

FORM EXEMPT UNDER 44 U.S.C. 3512

INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

## DO NOT WRITE IN THIS SPACE

Case  
05-CA-261536Date Filed  
6/9/20

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>	
a. Name of Employer Smithfield Foods	b. Tel. No. (757) 357-1352
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 601 North Church Street Smithfield, VA 23430	e. Employer Representative Daniel Stanton
	g. e-Mail dstanton@smithfield.com
	h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Factory	j. Identify principal product or service Various
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (1)(3)(5) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  On or about (b) (6), (b) (7)(C) 2020, Management has discriminated against and demoted employee (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C) position for complying with (b) (6), (b) (7)(C). Time taken off for an qualifying event is excused and no benefits are to be reduced for compliance.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Public Service Employees Local Union 572	
4a. Address (Street and number, city, state, and ZIP code) 3101 American Legion Rd., 20A Chesapeake, VA 23321	4b. Tel. No. (757) 483-1002
	4c. Cell No. (757) 771-3458
	4d. Fax No. (757) 483-1004
	4e. e-Mail kdoggette@bwldc.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Laborers International Union of North America	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By <u>Kenneth Doggette</u> (signature of representative of person making charge)	Kenneth Doggette, Business Agent (Print type name and title or office, if any)
Tel. No. (757) 483-1002	
Office, if any, Cell No.	
Fax No. (757) 483-1004	
e-Mail kdoggette@bwldc.org	
Address 3101 American Legion Rd., 20A, Chesapeake, VA 23321	6/9/2020 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, SUITE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410) 962-2822  
Fax: (410) 962-2198



Download  
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June 12, 2020

Mr. Daniel Stanton  
Smithfield Foods  
601 N. Church Street  
Smithfield, VA 23430-1221

Re: Smithfield Foods  
Case 05-CA-261536

Dear Mr. Stanton:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Andrea Vaughn whose telephone number is (410) 962-0676. If this Board agent is not available, you may contact Supervisory Field Attorney Patrick J. Cullen whose telephone number is (410) 962-2916.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlr.gov](http://www.nlr.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlrb.gov](http://www.nlrb.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Sean R. Marshall". The signature is fluid and cursive, with the first name "Sean" and last name "Marshall" clearly distinguishable.

Sean R. Marshall  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, SUITE 600  
BALTIMORE, MD 21201

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Telephone: (410) 962-2822  
Fax: (410) 962-2198



Download  
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June 12, 2020

Mr. Kenneth C. Doggette  
Business Agent  
Public Service Employees  
Local Union 572  
3101 American Legion Road  
Suite 20A  
Chesapeake, VA 23321

Re: Smithfield Foods  
Case 05-CA-261536

Dear Mr. Doggette:

The charge that you filed in this case on June 09, 2020 has been docketed as case number 05-CA-261536. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Andrea Vaughn whose telephone number is (410) 962-0676. If this Board agent is not available, you may contact Supervisory Field Attorney Patrick J. Cullen whose telephone number is (410) 962-2916.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

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**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sean R. Marshall". The signature is fluid and cursive, with the first name "Sean" and last name "Marshall" clearly distinguishable.

Sean R. Marshall  
Regional Director

Enclosure: Copy of Charge



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198

July 1, 2020

Mr. Daniel Stanton  
Smithfield Foods  
601 N. Church Street  
Smithfield, VA 23430-1221

Re: Smithfield Foods  
Case 05-CA-261536

Dear Mr. Stanton:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

*/s/ Sean R. Marshall*

Sean R. Marshall  
Regional Director

cc: Mr. Kenneth C. Doggette, Business Agent  
Public Service Employees Local Union 572  
3101 American Legion Road, Suite 20A  
Chesapeake, VA 23321

INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**

Case

14-CA-255377

Date Filed

January 29, 2020

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer CARGILL		b. Tel. No. (620) 225-2610
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 3201 US 400 KS DODGE CITY 67801-____	e. Employer Representative ASHLEY FLORES	g. e-Mail
		h. Number of workers employed 1000
i. Type of Establishment (factory, mine, wholesaler, etc.) Food Processing	j. Identify principal product or service MEAT	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

--See additional page--

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

(b) (6), (b) (7)(C)

Title:

**4a. Address (Street and number, city, state, and ZIP code)**

(b) (6), (b) (7)(C)

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No. (b) (6), (b) (7)(C)

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C)

(signature of representative or person making charge)

Title: (b) (6), (b) (7)(C)

(Print/type name and title or office, if any)

Address (b) (6), (b) (7)(C)

01/29/2020 14:22:30

(date)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

(b) (6), (b) (7)(C)

Fax No.

e-Mail

(b) (6), (b) (7)(C)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

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## Basis of the Charge

### 8(a)(3)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2019

### 8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) 2019

### 8(a)(3)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	SUSPENSION	(b) (6), (b) (7)(C) 2019

### 8(a)(1)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	SUSPENSION	(b) (6), (b) (7)(C) 2019



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 14  
1222 SPRUCE ST  
RM 8.302  
SAINT LOUIS, MO 63103-2829

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (314)539-7770  
Fax: (314)539-7794



Download  
NLRB  
Mobile App

January 30, 2020

Ashley Flores  
Cargill  
3201 US 400  
Dodge City, KS 67801

Re: CARGILL  
Case 14-CA-255377

Dear Ms. Flores:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner KRISTA LOPEZ ([Krista.Lopez@nlrb.gov](mailto:Krista.Lopez@nlrb.gov)), whose telephone number is (314)449-7484. If this Board agent is not available, you may contact Supervisory Field Examiner CARLA K. COFFMAN whose telephone number is (913)275-6536.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlrb.gov](http://www.nlrb.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

*/S/ Mary G. Taves*

MARY G. TAVES  
Acting Regional Director

MGT:rmf  
Enclosures



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 14  
1222 SPRUCE ST  
RM 8.302  
SAINT LOUIS, MO 63103-2829

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (314)539-7770  
Fax: (314)539-7794



Download  
NLRB  
Mobile App

January 30, 2020

(b) (6), (b) (7)(C)

Re: CARGILL  
Case 14-CA-255377

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on January 29, 2020 has been docketed as case number 14-CA-255377. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,  
/s/ **Mary G. Taves**

MARY G. TAVES  
Acting Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 14  
1222 SPRUCE ST  
RM 8.302  
SAINT LOUIS, MO 63103-2829

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (314)539-7770  
Fax: (314)539-7794

April 21, 2020

Zeb Curtin, Esq.  
Cargill  
MS-24 (Law)  
15407 McGinty Rd. W.  
Wayzata, MN 55391

Re: CARGILL  
Case 14-CA-255377

Dear Mr. Curtin:

The Charging Party has asked to withdraw the above charge based upon a private agreement between the parties. I have approved this request, conditioned on the performance of the undertakings in that private agreement.

The charge is subject to reinstatement for further processing if the Charging Party requests reinstatement and supports its request with evidence of non-compliance with the undertakings in the private agreement.

Very truly yours,

*/s/ LUCINDA L. FLYNN*

LUCINDA L. FLYNN  
Acting Regional Director

LLF:kec

cc: Ashley Flores  
Cargill  
3201 US 400  
Dodge City, KS 67801

(b) (6), (b) (7)(C)

FORM NLRB-501  
(2-18)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
14-CA-258717	April 2, 2020

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer	b. Tel. No.
Smithfield Foods	1-402-731-6400
d. Address (Street, city, state, and ZIP code)	c. Cell No.
Omaha Neb.	402-810-0657
5015 S 33RD St	f. Fax No.
e. Employer Representative	g. e-mail
Jorge Ambriz	JAmbriz@smithfield.co
	h. Number of workers employed
	300
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service
factory	Pork Processing
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (2) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
On or about (b) (6), (b) (7)(C) / 2020 the employer Retaliated against the employee for engaging in protected concerted activities by not offering (b) (6), (b) (7)(C) a full time / permanent position.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number)	
(b) (6), (b) (7)(C)	
4a. Address (Street and number, city, state, and ZIP code)	4b. Tel. No.
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
	4c. Cell No.
	(b) (6), (b) (7)(C)
	4d. Fax No.
	(b) (6), (b) (7)(C)
	4e. e-mail
	(b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION	
(b) (6), (b) (7)(C) I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	Tel. No.
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	Office, if any, Cell No.
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	Fax No.
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	e-mail
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
Address	Date
(b) (6), (b) (7)(C)	2-13-2020

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 14  
1222 SPRUCE ST  
RM 8.302  
SAINT LOUIS, MO 63103-2829

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (314)539-7770  
Fax: (314)539-7794



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April 3, 2020

Jorge Ambriz  
Smithfield Foods  
5015 S 33rd St  
Omaha, NE 688107

Re: Smithfield Foods  
Case 14-CA-258717

Dear Mr. Ambriz:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner KRISTA LOPEZ ([Krista.Lopez@nlrb.gov](mailto:Krista.Lopez@nlrb.gov)), whose telephone number is (314)449-7484. If this Board agent is not available, you may contact Supervisory Field Examiner CARLA K. COFFMAN whose telephone number is (913)275-6536.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

*/s/ Lucinda L. Flynn*

LUCINDA L. FLYNN  
Acting Regional Director

LLF:rm1  
Enclosures



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 14  
1222 SPRUCE ST  
RM 8.302  
SAINT LOUIS, MO 63103-2829

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (314)539-7770  
Fax: (314)539-7794



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April 3, 2020

(b) (6), (b) (7)(C)

Re: Smithfield Foods  
Case 14-CA-258717

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on April 02, 2020 has been docketed as case number 14-CA-258717. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner KRISTA LOPEZ ([Krista.Lopez@nlrb.gov](mailto:Krista.Lopez@nlrb.gov)), whose telephone number is (314)449-7484. If this Board agent is not available, you may contact Supervisory Field Examiner CARLA K. COFFMAN whose telephone number is (913)275-6536.

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**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ *Lucinda L. Flynn*

LUCINDA L. FLYNN  
Acting Regional Director

LLF:rml  
Enclosure

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

(b) (6), (b) (7)(C)

and  
SMITHFIELD FOODS, INC.

CASE No. 14-CA-258717

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_  
Smithfield Foods, Inc.


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: D. Christopher Lauderdale  
MAILING ADDRESS: Jackson Lewis P.C., 15 S. Main Street, Suite 700, Greenville, SC 29601  
E-MAIL ADDRESS: lauderdc@jacksonlewis.com  
OFFICE TELEPHONE NUMBER: (864) 232-7000  
CELL PHONE NUMBER: \_\_\_\_\_ FAX: (864) 235-1381  
SIGNATURE:   
DATE: April 7, 2020 (Please sign in ink.)

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**FIRST AMENDED CHARGE AGAINST EMPLOYER****INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
14-CA-258717	6/26/20

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Smithfield Packaged Meats Corp.		b. Tel. No. (402)731-6400
		c. Cell No. (402)810-0657
d. Address (street, city, state ZIP code) 5015 S 33rd St. Omaha, NE 688107	e. Employer Representative Jorge Ambriz Human Resources Manager	f. Fax No.
		g. e-Mail jambriz@smithfield.com
		h. Dispute Location (City and State) Omaha, NE
i. Type of Establishment (factory, nursing home, hotel) factory	j. Principal Product or Service pork processing	k. Number of workers at dispute location 300

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Since about January 31, 2020, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by threatening to retaliate against employees because of their protected concerted activity, by threatening to terminate employees because of their protected concerted activity, by telling employees they cannot participate in protected concerted activities, by creating the impression of surveillance of employees' protected concerted activity, by promising benefits to employees if they refrain from engaging in protected concerted activity, by interrogating employees about their protected concerted activity, and by telling employees they are being terminated because of their protected concerted activities.

On about (b) (6), (b) (7)(C) 2020, the Employer discriminated against employee (b) (6), (b) (7)(C) by discharging (b) (6), (b) (7)(C) in retaliation for and or in order to discourage protected concerted activities.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

(b) (6), (b) (7)(C)

**4a. Address (street and number, city, state, and ZIP code)**

(b) (6), (b) (7)(C)

**4b. Tel. No.****4c. Cell No.**

(b) (6), (b) (7)(C)

**4d. Fax No.****4e. e-Mail**

(b) (6), (b) (7)(C)

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

By (b) (6), (b) (7)(C)  
(signature of representative or person making charge)

(b) (6), (b) (7)(C)

Print Name and Title

Date: 06-26-20

**Tel. No.****Office, if any, Cell No.**

(b) (6), (b) (7)(C)

**Fax No.****e-Mail**

(b) (6), (b) (7)(C)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 14  
1222 SPRUCE ST  
RM 8.302  
SAINT LOUIS, MO 63103-2829

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (314)539-7770  
Fax: (314)539-7794



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June 26, 2020

Jorge Ambriz  
Smithfield Foods  
5015 S 33rd St  
Omaha, NE 688107

Re: Smithfield Foods  
Case 14-CA-258717

Dear Mr. Ambriz:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner KRISTA LOPEZ whose telephone number is (314)449-7484. If the agent is not available, you may contact Supervisory Field Examiner CARLA K. COFFMAN whose telephone number is (913)275-6536.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlrb.gov](http://www.nlrb.gov)). You must e-file all documents electronically or provide a

Case 14-CA-258717

written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W.B. Cowen', with a long horizontal line extending to the right.

WILLIAM B. COWEN  
Regional Director

Enclosure: Copy of first amended charge

cc: Christopher Lauderdale, ESQ.  
Jackson Lewis P.C.  
15 South Main Street, Suite 700  
Greenville, SC 29601



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 14  
1222 SPRUCE ST  
RM 8.302  
SAINT LOUIS, MO 63103-2829

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (314)539-7770  
Fax: (314)539-7794

June 26, 2020



Download  
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(b) (6), (b) (7)(C)

Re: Smithfield Foods  
Case 14-CA-258717

Dear (b) (6), (b) (7)(C)

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Examiner KRISTA LOPEZ whose telephone number is (314)449-7484. If the agent is not available, you may contact Supervisory Field Examiner CARLA K. COFFMAN whose telephone number is (913)275-6536.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlrb.gov](http://www.nlrb.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to

Case 14-CA-258717

comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W.B. Cowen', with a long horizontal flourish extending to the right.

WILLIAM B. COWEN  
Regional Director

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Case 14-CA-258717

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

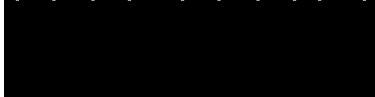
- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Jorge Ambriz  
Smithfield Packaged Meats Corp.  
5015 S 33rd St  
Omaha, NE 688107

Christopher Lauderdale, ESQ.  
Jackson Lewis P.C.  
15 South Main Street, Suite 700  
Greenville, SC 29601

(b) (6), (b) (7)(C)

A large black rectangular redaction box covers the bottom portion of the page, obscuring any text that might have been present.

## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlr.gov](http://www.nlr.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

**in evidence.** If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 14**

**SMITHFIELD PACKAGED MEATS CORP.**

**and**

**Case 14-CA-258717**

**(b) (6), (b) (7)(C)**  
**an Individual**

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) an Individual (Charging Party). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board), and alleges that Smithfield Packaged Meats Corp. (Respondent), has violated the Act as described below.

1

A. The charge in this proceeding was filed by the Charging Party on April 2, 2020, and a copy was served on Respondent by U.S. mail on April 3, 2020.

B. The first amended charge in this proceeding was filed by the Charging Party on June 26, 2020, and a copy was served on Respondent by U.S. mail on June 26, 2020.

2

A. At all material times, Respondent has been a Delaware corporation with an office and place of business in Omaha, Nebraska (Respondent's facility) and has been engaged in the production and nonretail sale of peperoni and salami.

B. During the 12-month period ending June 30, 2020, Respondent, in conducting its operations described above in paragraph 2(A), sold and shipped from its Omaha, Nebraska facility goods valued in excess of \$50,000 directly to points outside the State of Nebraska.

C. During the 12-month period ending June 30, 2020, Respondent, in conducting its operations described above in paragraph 2(A), purchased and received at its Omaha, Nebraska facility goods valued in excess of \$50,000 from points directly outside the State of Nebraska.

D. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

B. At all material times, (b) (6), (b) (7)(C) held the position of Respondent's (b) (6), (b) (7)(C) and has been an agent of Respondent within the meaning of Section 2(13) of the Act.

4

A. About January 31, 2020, Respondent, by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) by telephone, coerced employees by:

1. threatening to retaliate against employees for engaging in protected concerted activities;
2. threatening to terminate employees for engaging in protected concerted activities;

2

3. prohibiting employees from discussing their terms and conditions of employment;
4. creating the impression that the employees' protected activities were under surveillance by telling employees that their protected concerted conversations would be reported to management;
5. impliedly promising benefits to employees if they refrained from engaging in protected activity; and
6. interrogating employees about their protected activities.

B. About (b) (6), (b) (7)(C) 2020, Respondent, by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) at Respondent's facility, coerced employees by telling an employee that (b) (6), (b) (7)(C) was being discharged because (b) (6), (b) (7)(C) engaged in protected concerted activities.

5

A. At various times between January 7 and February 1, 2020, Respondent's employee (b) (6), (b) (7)(C) engaged in concerted activities for the purpose of mutual aid and protection by:

1. discussing with other employees how they could be hired permanently by Respondent;
2. asking (b) (6), (b) (7)(C) how temporary employees could be hired permanently by Respondent; and
3. discussing with other employees the harassing communications they received from (b) (6), (b) (7)(C).

B. About (b) (6), (b) (7)(C) 2020, Respondent, by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) discharged its employee (b) (6), (b) (7)(C).

C. Respondent engaged in the conduct described above in paragraph 6B because (b) (6), (b) (7)(C) engaged in the conduct described above in paragraph 6A, and to discourage employees from engaging in these or other concerted activities.

By the conduct described above in paragraphs 4 and 5, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **e-filed with this office on or before July 31, 2020**. Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted

to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **a date to be determined**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: July 17, 2020



---

WILLIAM COWEN  
ACTING REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 14  
1222 Spruce St., Room 8.302  
St. Louis, Missouri 63103-2829

Attachments

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case <b>14-CB-255379</b>	Date Filed <b>January 29, 2020</b>

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name UFCW LOCAL 2		b. Union Representative to contact  MARTIN ROSAS Title: PRESIDENT	
c. Address (Street, city, state, and ZIP code)  3951 N Woodlawn Ct, Bel Aire, KS 67220, Estados Unidos KS BEL AIRE 67220-____		d. Tel. No. (316) 941-4053	e. Cell No. (316) 941-4053
		f. Fax No.	g. e-Mail mrosas@ufcw2.org
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A) _____ of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  --See additional page--			
3. Name of Employer CARGILL		4a. Tel. No. (620) 225-2610	b. Cell No. (620) 225-2610
		c. Fax No.	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 3201 US 400 KS DODGE CITY 67801-____		6. Employer representative to contact ASLHEY FLORES Title: HR	
7. Type of establishment (factory, mine, wholesaler, etc.) Food Processing	8. Identify principal product or service MEAT	9. Number of workers employed 1000	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No. (b) (6), (b) (7)(C)
		c. Fax No.	d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)			
<b>12. DECLARATION</b> I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief. By (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (signature of representative or person making charge) (Print/type name and title or office, if any) Title: (b) (6), (b) (7)(C) Address _____ (date) 01/29/2020 14:45:21		Tel. No. (b) (6), (b) (7)(C) Cell No. (b) (6), (b) (7)(C) Fax No. e-Mail (b) (6), (b) (7)(C)	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

## **Basis of the Charge**

### **8(b)(1)(A)**

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process the Charging Party's grievance for arbitrary or discriminatory reasons or in bad faith.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 14  
1222 SPRUCE ST  
RM 8.302  
SAINT LOUIS, MO 63103-2829

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (314)539-7770  
Fax: (314)539-7794



Download  
NLRB  
Mobile App

January 30, 2020

Martin Rosas, President  
UFCW Local 2  
3951 N Woodlawn Ct,  
Bel Aire, KS 67220

Re: UFCW LOCAL 2 (CARGILL)  
Case 14-CB-255379

Dear Mr. Rosas:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner KRISTA LOPEZ ([Krista.Lopez@nlrb.gov](mailto:Krista.Lopez@nlrb.gov)), whose telephone number is (314)449-7484. If this Board agent is not available, you may contact Supervisory Field Examiner CARLA K. COFFMAN whose telephone number is (913)275-6536.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ **Mary G. Taves**

MARY G. TAVES  
Acting Regional Director

MGT:rml  
Enclosure



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 14  
1222 SPRUCE ST  
RM 8.302  
SAINT LOUIS, MO 63103-2829

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (314)539-7770  
Fax: (314)539-7794



Download  
NLRB  
Mobile App

January 30, 2020

Ashley Flores, HR  
Cargill  
3201 US 400  
Dodge City, KS 67801

Re: UFCW LOCAL 2 (CARGILL)  
Case 14-CB-255379

Dear Ms. Flores:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ **Mary G. Taves**

MARY G. TAVES  
Acting Regional Director

MGT:rmf  
Enclosures



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 14  
1222 SPRUCE ST  
RM 8.302  
SAINT LOUIS, MO 63103-2829

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (314)539-7770  
Fax: (314)539-7794



Download  
NLRB  
Mobile App

January 30, 2020

(b) (6), (b) (7)(C)

Re: UFCW LOCAL 2 (CARGILL)  
Case 14-CB-255379

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on January 29, 2020 has been docketed as case number 14-CB-255379. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner KRISTA LOPEZ ([Krista.Lopez@nlrb.gov](mailto:Krista.Lopez@nlrb.gov)), whose telephone number is (314)449-7484. If this Board agent is not available, you may contact Supervisory Field Examiner CARLA K. COFFMAN whose telephone number is (913)275-6536.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ *Mary G. Taves*

MARY G. TAVES  
Acting Regional Director

MGT:rmf  
Enclosure

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

United Food and Commercial Workers, District Union Local Two

and

(b) (6), (b) (7)(C)

CASE 14-CB-255379

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_

United Food and Commercial Workers, District Union Local 2

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Dana K. Apple

MAILING ADDRESS: 221 W. Lexington Ave., Suite 200 Independence, MO 64050

E-MAIL ADDRESS: dapple@bktplaw.com

OFFICE TELEPHONE NUMBER: 816-471-4511

CELL PHONE NUMBER: 816-230-4434

FAX: 816-471-8450

SIGNATURE: \_\_\_\_\_

(Please sign in ink.)

DATE: 2/11/2020

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

(b) (6), (b) (7)(C)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

United Food and Commercial Workers, District Union Local  
Two

and

(b) (6), (b) (7)(C)

CASE 14-CB-255379

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_

United Food and Commercial Workers, District Union Local 2

IN THE ABOVE-CAPTIONED MATTER.

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(REPRESENTATIVE INFORMATION)

NAME: Dana K. Apple

MAILING ADDRESS: 221 W. Lexington Ave., Suite 200 Independence, MO 64050

E-MAIL ADDRESS: dapple@bktplaw.com

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UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 14  
1222 SPRUCE ST  
RM 8.302  
SAINT LOUIS, MO 63103-2829

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (314)539-7770  
Fax: (314)539-7794

March 31, 2020

Dana K. Apple, ESQ.  
Boyd Kenter Thomas & Parrish LLC  
221 W. Lexington Ave.  
Ste. 200  
Independence, MO 64050-3720

Re: UFCW LOCAL 2 (CARGILL)  
Case 14-CB-255379

Dear Ms. Apple:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

*/s/ LUCINDA L. FLYNN*


LUCINDA L. FLYNN  
Acting Regional Director

LLF:kec

cc: Martin Rosas, President  
UFCW Local 2  
3951 N Woodlawn Ct,  
Bel Aire, KS 67220

Zeb Curtin, ESQ.  
Cargill  
MS-24 (Law)  
15407 McGinty Rd. W.  
Wayzata, MN 55391

(b) (6), (b) (7)(C)

A large black rectangular redaction box covers the text in this block.

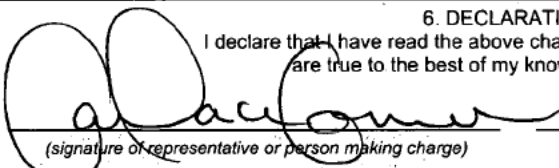
Ashley Flores, HR  
Cargill  
3201 US 400  
Dodge City, KS 67801

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case 18-CA-254648	Date Filed January 15, 2020

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer  Smithfield Foods	b. Tel. No. (605) 330-3183 c. Cell No. (605) 251-1678 f. Fax No. (605) 330-3162 g. e-mail sreed@smithfield.com h. Number of workers employed 3,412
d. Address (Street, city, state, and ZIP code)  1400 N. Weber Ave. Sioux Falls, SD 57103	e. Employer Representative  Scott Reed Director, Plant Human Resources
i. Type of Establishment (factory, mine, wholesaler, etc.) Meat Packing Facility	j. Identify principal product or service Meat Processing
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (1)(4) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  On (b) (6), (b) (7)(C) 2019 (b) (6), (b) (7)(C) knowingly and intentionally committed an unfair labor practice by interfering with Union duties of fair representation and denying employee the right to be represented fairly in disciplinary matter. The Board has acknowledged the recurrence of the action as declared.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Candace Conner -United Food And Commercial Workers - Local304A	
4a. Address (Street and number, city, state, and ZIP code)  101 S. Fairfax Ave. Sioux Falls, SD 57103	4b. Tel. No. (605) 338-3811 4c. Cell No. (605) 940-1325 4d. Fax No. (605) 338-0290 4e. e-mail ufcw304ast@sflabortemple.com
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) United Food and Commercial Workers	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (signature of representative or person making charge) Candace Conner, Secretary-Treasurer (Print/type name and title or office, if any)	
Address 101 S. Fairfax Ave. Sioux Falls, SD 57103 Date January 3, 2020	
Tel. No. (605) 338-3811 Office, if any, Cell No. (605) 759-4059 Fax No. (605) 338-2090 e-mail ufcw304ast@sflabortemple.com	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 18  
Federal Office Building  
212 Third Avenue South, Suite 200  
Minneapolis, MN 55401-2657

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (612)348-1757  
Fax: (612)348-1785



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NLRB  
Mobile App

January 15, 2020

SCOTT REED  
SMITHFIELD FOODS, INC.  
1400 N WEBER AVE  
SIOUX FALLS, SD 57103-0185

Re: SMITHFIELD FOODS  
Case 18-CA-254648

Dear Mr. REED:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Attorney DAVID J. STOLZBERG whose telephone number is (763)270-7057. If this Board agent is not available, you may contact Supervisory Attorney ASHOK C. BOKDE whose telephone number is (952)703-2894.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jennifer Hadsall", written in a cursive style.

JENNIFER A. HADSALL  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 18  
Federal Office Building  
212 Third Avenue South, Suite 200  
Minneapolis, MN 55401-2657

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (612)348-1757  
Fax: (612)348-1785



Download  
NLRB  
Mobile App

January 15, 2020

CANDACE CONNER, SECRETARY-TREASURER  
UFCW LOCAL 304A  
101 SOUTH FAIRFAX AVE  
SIOUX FALLS, SD 57103

Re: SMITHFIELD FOODS  
Case 18-CA-254648

Dear Ms. Conner:

The charge that you filed in this case on January 15, 2020 has been docketed as case number 18-CA-254648. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Attorney DAVID J. STOLZBERG whose telephone number is (763)270-7057. If this Board agent is not available, you may contact Supervisory Attorney ASHOK C. BOKDE whose telephone number is (952)703-2894.

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Very truly yours,

A handwritten signature in black ink, appearing to read "Jennifer Hadsall", written in a cursive style.

JENNIFER A. HADSALL  
Regional Director

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

UFCW, Local 304A
and
Smithfield Foods

CASE 18-CA-254648

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_

UFCW, Local 304A

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

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(REPRESENTATIVE INFORMATION)

NAME: Jay M. Smith	
MAILING ADDRESS: 505 Fifth Street, Suite 530; P.O. Box 1194; Sioux City, IA 51102	
E-MAIL ADDRESS: smitmcel@aol.com	
OFFICE TELEPHONE NUMBER: 712-255-8094	
CELL PHONE NUMBER: 712-253-3937	FAX: 712-255-3825
SIGNATURE: /s/ Jay M. Smith	
(Please sign in ink.)	
DATE: 1/16/19	

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

UFCW, LOCAL 304A

and  
SMITHFIELD FOODS, INC.

CASE 18-CA-254648

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_  
Smithfield Foods, Inc.


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: D. Christopher Lauderdale  
MAILING ADDRESS: 15 S. Main Street, Suite 700, Greenville, SC 29601  
E-MAIL ADDRESS: lauderdc@jacksonlewis.com  
OFFICE TELEPHONE NUMBER: (864) 232-7000  
CELL PHONE NUMBER: \_\_\_\_\_ FAX: (864) 235-1381  
SIGNATURE:   
(Please sign in ink.)  
DATE: 1/23/20

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

FIRST AMENDED

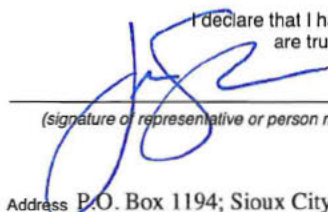
UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

## DO NOT WRITE IN THIS SPACE

Case  
18-CA-254648Date Filed  
Jan 27, 2020

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Smithfield Foods	b. Tel. No. 605/330-3183
	c. Cell No. 605/251-1678
	f. Fax No. 605/330-3162
d. Address (Street, city, state, and ZIP code) 1400 N. Weber Ave. Sioux Falls, SD 57103	e. Employer Representative Scott Reed Director, Plant Human Resources
	g. e-mail sreed@smithfield.com
	h. Number of workers employed 3,412
i. Type of Establishment (factory, mine, wholesaler, etc.) Meat Packing Facility	j. Identify principal product or service Meat Processing
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3), (4), (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) On (b) (6), (b) (7)(C) 2019, (b) (6), (b) (7)(C) knowingly and intentionally committed an unfair labor practice by interfering with Union duties of fair representation and denying employees the right to be represented in disciplinary manner. The Board has acknowledged recurrence of the action as declared. On or about (b) (6), (b) (7)(C) 2019, the Company discharged (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) decision to assert (b) (6), (b) (7)(C) rights under the collective bargaining agreement and the Act.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) United Food and Commercial Workers, Local 304A	
4a. Address (Street and number, city, state, and ZIP code) 101 S. Fairfax Ave. Sioux Falls, SD 57103	4b. Tel. No. 605/338-3811
	4c. Cell No. 605/940-1325
	4d. Fax No. 605/338-0290
	4e. e-mail ufcw304ast@sflalabortemple.com
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) United Food and Commercial Workers	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (signature of representative or person making charge) Jay M. Smith, Atty. for UFCW, Local 304A (Print/type name and title or office, if any) Address P.O. Box 1194; Sioux City, IA 51102 Date 1/27/20	
Tel. No. 712/255-8094	
Office, if any, Cell No. 712/253-3937	
Fax No. 712/255-3825	
e-mail smitmcel@aol.com	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 18  
Federal Office Building  
212 Third Avenue South, Suite 200  
Minneapolis, MN 55401-2657

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (612)348-1757  
Fax: (612)348-1785



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January 27, 2020

SCOTT REED  
SMITHFIELD FOODS, INC.  
1400 N WEBER AVE  
SIOUX FALLS, SD 57103-0185

Re: SMITHFIELD FOODS  
Case 18-CA-254648

Dear Mr. Reed:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Attorney DAVID J. STOLZBERG whose telephone number is (763) 270-7057. If the agent is not available, you may contact Supervisory Attorney ASHOK C. BOKDE whose telephone number is (952) 703-2894.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jennifer Hadsall", written in a cursive style.

JENNIFER A. HADSALL  
Regional Director

Enclosure: Copy of first amended charge

cc: D. CHRISTOPHER LAUDERDALE, ATTORNEY  
JACKSON LEWIS P.C.  
15 S. MAIN ST, SUITE 700  
GREENVILLE, SC 29601



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 18  
Federal Office Building  
212 Third Avenue South, Suite 200  
Minneapolis, MN 55401-2657

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (612)348-1757  
Fax: (612)348-1785



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January 27, 2020

CANDACE CONNER, SECRETARY-TREASURER  
UFCW LOCAL 304A  
101 SOUTH FAIRFAX AVE  
SIOUX FALLS, SD 57103

Re: SMITHFIELD FOODS  
Case 18-CA-254648

Dear Ms. Conner:

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Attorney DAVID J. STOLZBERG whose telephone number is (763) 270-7057. If the agent is not available, you may contact Supervisory Attorney ASHOK C. BOKDE whose telephone number is (952) 703-2894.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jennifer Hadsall", written in a cursive style.

JENNIFER A. HADSALL  
Regional Director

Enclosure: Copy of Charge

cc: JAY M. SMITH, ATTORNEY  
SMITH & MCELWAIN LAW OFFICE  
505 5TH ST STE 530  
PO BOX 1194  
SIOUX CITY, IA 51102-1194



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 18  
Federal Office Building  
212 Third Avenue South, Suite 200  
Minneapolis, MN 55401-2657

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (612)348-1757  
Fax: (612)348-1785

February 21, 2020

D. CHRISTOPHER LAUDERDALE, ATTORNEY  
JACKSON LEWIS P.C.  
15 S. MAIN ST, SUITE 700  
GREENVILLE, SC 29601

JAY M. SMITH, ATTORNEY  
SMITH & MCELWAIN LAW OFFICE  
505 5TH ST STE 530  
PO BOX 1194  
SIOUX CITY, IA 51102-1194

Re: SMITHFIELD FOODS  
Case 18-CA-254648

Gentlemen:

The Region has reviewed the charge filed against Smithfield Foods alleging it violated the National Labor Relations Act. I am approving the request to withdraw the portion of the charge that alleges that the Employer interfered with the Union's duties of fair representation and denied employees the right to be represented and, as explained below, will defer the remaining allegations of the charge in accordance with the Board's policy under *Dubo Manufacturing Company*, 142 NLRB 431 (1963).

**Deferral Policy:** The Board's *Dubo* deferral policy provides that this Agency withhold making a final determination on certain unfair labor practice charges when a grievance has been filed by the Charging Party under the grievance/arbitration provisions of a relevant collective bargaining agreement, and there is a reasonable chance that use of the grievance/arbitration machinery will resolve or set at rest the dispute underlying the charge. This policy is based in part on encouraging stability in labor relations by deferring to the parties' chosen means of dispute resolution, as well as avoiding duplicative litigation in multiple forums. Therefore, if the grievance continues to be processed through the grievance/arbitration machinery, the Regional Office will defer the charge.

**Decision to Defer:** Based on the Region's investigation of this matter, I am deferring further proceedings on the portion of the charge that alleges on or about (b) (6), (b) (7)(C) 2019, the Employer discharged (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) decision to assert (b) (6), (b) (7)(C) rights under the collective bargaining agreement. I am making this determination based on my belief that there is sufficient commonality between the facts and issues underlying the allegations of

the charge and the facts and issues underlying the allegations of the grievance that there is a reasonable chance that the parties' resolution of the grievance through the grievance/arbitration machinery will resolve or set at rest the dispute underlying the charge.

***No Right of Appeal:*** Because the Dubo policy is based on the Charging Party's having filed and voluntarily processed a grievance under the parties' contractual dispute resolution process, there is no right to appeal the Region's deferral decision to the Office of the General Counsel.

***Further Processing of the Charge:*** As explained below, while the charge is deferred, the Region will monitor the processing of the grievance and, under certain circumstances, may resume processing the charge.

***Charging Party's Conduct During Dubo Deferral:*** Because Dubo deferral is dependent on the Charging Party's processing of a grievance through the grievance/arbitration procedure, the Region will revoke deferral and resume processing of the charge if the grievance is withdrawn by the Charging Party or a third party in control of the grievance/arbitration process, without an intervening settlement or other resolution of the issues on which deferral was based. However, in the event that a Charging Party elects to withdraw a grievance in lieu of *Dubo* deferral, and the Charged Party objects on the ground that deferral would be appropriate under the Board's separate, nonvoluntary deferral policy promulgated pursuant to *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984), the Region will determine whether deferral under *Collyer* is appropriate and, if so, issue a separate notification to the parties addressing their obligations and rights under that deferral policy.

***Charged Party's Conduct During Dubo Deferral:*** If the Charged Party prevents or impedes hearing and resolution of the grievance, raises a timeliness defense, or otherwise refuses to address the merits of the grievance in the grievance/arbitration process, I will revoke deferral and resume processing of the charge.

***Inquiries and Requests for Further Processing:*** Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and whether continued deferral is appropriate. However, I will accept and consider at any time requests and supporting evidence submitted by any party to this matter for dismissal of the charge, for continued deferral of the charge or for issuance of a complaint.

***Notice to Arbitrator Form:*** If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the award is sent to the parties.

***Review of Arbitrator's Award:*** If the grievance is arbitrated, the Charging Party may request that this office review the arbitrator's award. The request must be in writing and addressed to me. The request should discuss whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is clearly repugnant to the Act. Further guidance on the nature of this review is provided in *Spielberg Mfg. Co.*, 112 NLRB 1080 (1955), and *Olin Corp.*, 268 NLRB 573 (1984).

Very truly yours,

/s/ Jennifer A. Hadsall

JENNIFER A. HADSALL  
Regional Director

Enclosure

cc: SCOTT REED  
SMITHFIELD FOODS, INC.  
1400 N WEBER AVE  
SIOUX FALLS, SD 57103-0185

CANDACE CONNER, SECRETARY-TREASURER  
UFCW LOCAL 304A  
101 SOUTH FAIRFAX AVE  
SIOUX FALLS, SD 57103

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case  
21-CA-261532Date Filed  
6-9-2020

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Smithfield Foods, Inc. dba Farmer John		b. Tel. No. (323) 583-4621
		c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) 3049 East Vernon Ave. Los Angeles, CA 90058	e. Employer Representative Greg Hernandez	g. e-mail
		h. Number of workers employed 1300
i. Type of Establishment (factory, mine, wholesaler, etc.) meat packing facility	j. Identify principal product or service pork products	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

In the last six months the Employer has refused to provide United Food and Commercial Workers Union, Local 770 with information relevant to the Union's representation of Farmer John employees.

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

United Food and Commercial Workers Union, Local 770 AFL-CIO

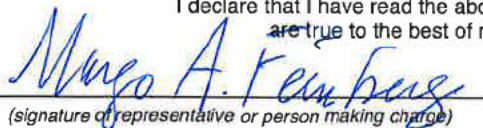
4a. Address (Street and number, city, state, and ZIP code) P.O. Box 770 Hollywood, CA 90078	4b. Tel. No. (213) 487-7070
	4c. Cell No.
	4d. Fax No.
	4e. e-mail

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

United Food and Commercial Workers International Union, AFL-CIO

## 6. DECLARATION

I declare that I have read the above charge and that the statements  
are true to the best of my knowledge and belief.

  
(signature of representative or person making charge)

Margo A. Feinberg, Attorney

(Print/type name and title or office, if any)

6300 Wilshire Blvd., Ste 2000, Los Angeles, CA 90048  
Address

June 9, 2020  
Date

Tel. No.  
(323) 655-4700

Office, if any, Cell No.

Fax No.  
(323) 655-4488

e-mail  
margo@ssdslaw.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 21  
US Court House, Spring Street  
312 N Spring Street, 10th Floor  
Los Angeles, CA 90012

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (213) 894-5200  
Fax: (213) 894-2778



Download  
NLRB  
Mobile App

June 11, 2020

Smithfield Foods, Inc. dba Farmer John  
3049 East Vernon Avenue  
Los Angeles, CA 90058

Re: Smithfield Foods, Inc. dba Farmer John  
Case 21-CA-261532

Dear Mr. Hernandez:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Lindsay Parker whose telephone number is (213) 634-6515. If this Board agent is not available, you may contact Regional Attorney William Pate, Jr. whose telephone number is (213) 634-6410.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlr.gov](http://www.nlr.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W.B. Cowen', with a long horizontal line extending to the right.

William B. Cowen  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

WBC/cw



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 21  
US Court House, Spring Street  
312 N Spring Street, 10th Floor  
Los Angeles, CA 90012

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (213) 894-5200  
Fax: (213) 894-2778



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June 11, 2020

United Food and Commercial Workers Union  
Local 770, AFL-CIO  
P.O. Box 770  
Hollywood, CA 90078

Re: Smithfield Foods, Inc. dba Farmer John  
Case 21-CA-261532

Dear Sir or Madam:

The charge that you filed in this case on June 09, 2020 has been docketed as case number 21-CA-261532. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Lindsay Parker whose telephone number is (213) 634-6515. If this Board agent is not available, you may contact Regional Attorney William Pate, Jr. whose telephone number is (213) 634-6410.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to

take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlr.gov](http://www.nlr.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W. B. Cowen', with a long horizontal flourish extending to the right.

William B. Cowen  
Regional Director

cc: Margo A. Feinberg, Attorney at Law  
Schwartz, Steinsapir, Dohrmann &  
Sommers LLP  
6300 Wilshire Boulevard, Suite 2000  
Los Angeles, CA 90048

Copy of charge only sent to:

Nicholas W. Clark, General Counsel  
United Food and Commercial Workers  
International Union  
1775 K Street, N.W.  
Washington, DC 20006

WBC/cw

**From:** [Lauderdale, D. Christopher \(Greenville\)](#)  
**To:** [Parker, Lindsay](#)  
**Subject:** Fwd: Smithfield Foods, Inc. dba Farmer John 21-CA-261532  
**Date:** Monday, June 22, 2020 2:43:16 PM  
**Attachments:** [ATT00001.png](#)  
[CHG.21-CA-261532 \(3\).pdf](#)

---

Ms. Parker,

I will be representing Smithfield in this matter and I will file an notice of appearance shortly. You can contact me by email or at 864-320-2183.

Thanks,

Chris Lauderdale.

**D. Christopher Lauderdale**

Attorney at Law

**Jackson Lewis P.C.**

15 South Main Street

Suite 700

Greenville, SC 29601

Direct: (864) 672-8044 | Main: (864) 232-7000

[Christopher.Lauderdale@jacksonlewis.com](mailto:Christopher.Lauderdale@jacksonlewis.com) | [www.jacksonlewis.com](http://www.jacksonlewis.com)

[Visit our resource page](#) for information and guidance on COVID-19's workplace implications

---

**From:** Parker, Lindsay <[Lindsay.Parker@nlrb.gov](mailto:Lindsay.Parker@nlrb.gov)>

**Sent:** Monday, June 22, 2020 2:28 PM

**To:** Ryder, Katrina <[kryder@smithfield.com](mailto:kryder@smithfield.com)>

**Subject:** Smithfield Foods, Inc. dba Farmer John 21-CA-261532

Dear Ms. Ryder:

I have been assigned to investigate the above-captioned charge filed by UFCW Local 770 and involving the Vernon, California facility. I have not received a notice of appearance yet in this matter. Could you please have your attorney get in touch with me or let me know who I should be in contact with regarding this case moving forward?

Thank you,

**Lindsay R. Parker, Field Attorney**  
**NLRB Region 21, Downtown Los Angeles**  
**US Court House – Spring Street** *(Note our new office address as of 11/5/18)*  
**312 N. Spring Street, Tenth Floor**  
**Los Angeles CA 90012**  
**Ph: (213) 634-6515**  
**Fax: (213) 894-2778**

This communication (including any attachments) is confidential and is intended to be privileged pursuant to applicable law. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, then you are hereby notified that the dissemination, distribution or copying of this communication is prohibited. If you received this communication in error, please notify Smithfield Foods, Inc. immediately by telephone (+1 757-365-3000) and then delete this communication and destroy all copies thereof.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

UFCW, Local 700
and
Smithfield Foods, Inc. dba Farmer John

CASE No. 21-CA-261532

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_  
Smithfield Foods, Inc.


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: D. Christopher Lauderdale	
MAILING ADDRESS: Jackson Lewis P.C., 15 S. Main Street, Suite 700, Greenville, SC 29601	
E-MAIL ADDRESS: lauderdc@jacksonlewis.com	
OFFICE TELEPHONE NUMBER: (864) 232-7000	
CELL PHONE NUMBER:	FAX: (864) 235-1381
SIGNATURE: 	
(Please sign in ink.)	
DATE: June 22, 2020	

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
25-CA-256500	2/11/20

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Armour-Eckrich Meats, LLC d/b/a Smithfield Foods		b. Tel. No. (317)891-1888
		c. Cell No.
d. Address (street, city, state ZIP code) 3271 N Distribution Way Greenfield, IN 46140-6619	e. Employer Representative Matthew Zambran 2 <sup>nd</sup> Shift Operations Manager	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Greenfield, IN
i. Type of Establishment (factory, nursing home, hotel) Distribution Center	j. Principal Product or Service Food	k. Number of workers at dispute location 90

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (*set forth a clear and concise statement of the facts constituting the alleged unfair labor practices*)

Since late-January 2020, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by harassing employees because they engaged in union activities.

3. Full name of party filing charge (*if labor organization, give full name, including local name and number*)

(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No. (b) (6), (b) (7)(C)
	4d. Fax No.
	4e. e-Mail (b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (*to be filled in when charge is filed by a labor organization*)

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By: (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) an Individual	Office, if any, Cell No. (b) (6), (b) (7)(C)
(signature of representative or person making charge)	Print Name and Title	Fax No.
Address: (b) (6), (b) (7)(C)	Date: February 11, 2020	e-Mail (b) (6), (b) (7)(C)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103



Download  
NLRB  
Mobile App

February 19, 2020

(b) (6), (b) (7)(C)

Re: Armour-Eckrich Meats, LLC d/b/a  
Smithfield Foods  
Case 25-CA-256500

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on February 11, 2020 has been docketed as case number 25-CA-256500. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney TIFFANY LIMBACH whose telephone number is (317)991-7960. If this Board agent is not available, you may contact Supervisory Attorney MICHAEL T. BECK whose telephone number is (317)991-7638.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

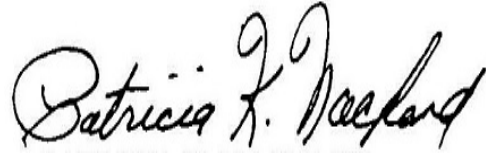
We can provide assistance for persons with limited English proficiency or disability.

Armour-Eckrich Meats, LLC d/b/a  
Smithfield Foods  
Case 25-CA-256500

- 3 - February 19, 2020

Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is written in a cursive style with a large, stylized "P" and "N".

PATRICIA K. NACHAND  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103



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Mobile App

February 19, 2020

Matthew Zambran  
Armour-Eckrich Meats, LLC d/b/a Smithfield Foods  
3271 N Distribution Way  
Greenfield, IN 46140-6619

Re: Armour-Eckrich Meats, LLC d/b/a  
Smithfield Foods  
Case 25-CA-256500

Dear Mr. Zambran:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney TIFFANY LIMBACH whose telephone number is (317)991-7960. If this Board agent is not available, you may contact Supervisory Attorney MICHAEL T. BECK whose telephone number is (317)991-7638.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by March 4, 2020. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

February 19, 2020

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is written in a cursive, flowing style.

PATRICIA K. NACHAND  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

(b) (6), (b) (7)(C)

and

Armour-Eckrich Meats, LLC d/b/a Smithfield Foods, Inc.

CASE No. 25-CA-256500

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_  
Armour-Eckrich Meats, LLC d/b/a Smithfield Foods, Inc.


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

D. Christopher Lauderdale  
NAME: \_\_\_\_\_  
MAILING ADDRESS: 15 S. Main Street, Suite 700, Greenville, SC 29601  
E-MAIL ADDRESS: lauderdc@jacksonlewis.com  
OFFICE TELEPHONE NUMBER: (864) 232-7000  
CELL PHONE NUMBER: \_\_\_\_\_ FAX: (864) 235-1381  
SIGNATURE:   
(Please sign in ink.)  
DATE: 2/26/20

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
25-CA-256792	2/21/20

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer Smithfield Foods		b. Tel. No. (317)891-1888
		c. Cell No.
d. Address (street, city, state ZIP code) 3271 N Distribution Way, Greenfield, IN	e. Employer Representative Matthew Zambran 2nd Shift Operations Manager	f. Fax No.
		g. e-Mail mzambrano@smithfield.com
		h. Dispute Location (City and State) Greenfield, IN
i. Type of Establishment (factory, nursing home, hotel) Distribution Center	j. Principal Product or Service Food	k. Number of workers at dispute location
<p>1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.</p> <p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) On (b) (6), (b) (7)(C) 2020 the Employer discriminated against employee (b) (6), (b) (7)(C) by suspending (b) (6), (b) (7)(C) pending further notice in retaliation for and or in order to discourage protected concerted activities.</p>		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)		
4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)		4b. Tel. No. (b) (6), (b) (7)(C)
		4c. Cell No. (b) (6), (b) (7)(C)
		4d. Fax No.
		4e. e-Mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (b) (6), (b) (7)(C)
By (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Office, if any, Cell No. (b) (6), (b) (7)(C)
(signature of (b) (6), (b) (7)(C) representative or person making charge)	Print Name and Title	Fax No.
Address (b) (6), (b) (7)(C)	Date: X 2/21/2020	e-Mail (b) (6), (b) (7)(C)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103



Download  
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Mobile App

February 24, 2020

Matthew Zambran, 2nd Shift Operations Manager  
Smithfield Foods  
3271 N Distribution Way  
Greenfield, IN

Re: Armour-Eckrich Meats, LLC d/b/a  
Smithfield Foods  
Case 25-CA-256792

Dear Mr. Zambran:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney TIFFANY LIMBACH whose telephone number is (317)991-7960. If this Board agent is not available, you may contact Supervisory Attorney MICHAEL T. BECK whose telephone number is (317)991-7638.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by March 9, 2020. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

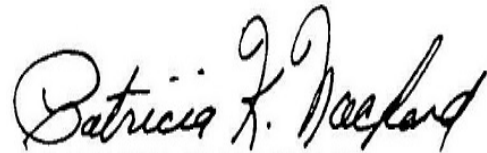
February 24, 2020

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is written in a cursive, flowing style.

PATRICIA K. NACHAND  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103



Download  
NLRB  
Mobile App

February 24, 2020

(b) (6), (b) (7)(C)

Re: Armour-Eckrich Meats, LLC d/b/a  
Smithfield Foods  
Case 25-CA-256792

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on February 21, 2020 has been docketed as case number 25-CA-256792. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney TIFFANY LIMBACH whose telephone number is (317)991-7960. If this Board agent is not available, you may contact Supervisory Attorney MICHAEL T. BECK whose telephone number is (317)991-7638.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

**Qualifying for Backpay:** We are just beginning to investigate your charge and no decision has been made regarding the merits of your case. However, it is important that employees who might be entitled to backpay because of loss of employment understand their obligation to look for work in order to qualify for backpay if your case has merit. Accordingly, we urge you to promptly provide the Board agent with the names and addresses of all employees who might be entitled to backpay as a result of the charge you filed.

If backpay is due to an employee, the Board requires that the employee offset the backpay by promptly beginning to look for another job in the same or similar line of work. The Board has held that a reasonably diligent employee should begin searching for interim work within 2 weeks after the employee's termination or layoff or a refusal to hire the employee. If an employee cannot establish that he or she actively tried to mitigate his or her losses, the amount of money owed to the employee might be reduced.

Employees who might be owed backpay should keep careful records of when and where they have sought employment and of job search expenses such as mileage, parking, and copying resumes. Specifically, they should keep a record of each time they attempt to find work, including the date, name of the company, name of person with whom they spoke, the position sought, and the response received.

Very truly yours,

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is written in a cursive, flowing style with a large initial "P".

PATRICIA K. NACHAND  
Regional Director

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
25-CA-257054	2/26/20

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Smithfield Foods		b. Tel. No. (317)891-1888
		c. Cell No.
d. Address (street, city, state ZIP code) 3271 N Distribution Way, Greenfield, IN 46140	e. Employer Representative Matthew Zambran	f. Fax No.
		g. e-Mail mzambrano@smithfield.com
		h. Dispute Location (City and State) Greenfield, IN
i. Type of Establishment (factory, nursing home, hotel) Distribution Center	j. Principal Product or Service Food	k. Number of workers at dispute location

l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On (b) (6), (b) (7)(C) 2020 the Employer discriminated against employee (b) (6), (b) (7)(C) by discharging (b) (6), (b) (7)(C) in retaliation for and or in order to discourage protected concerted activities.

3. Full name of party filing charge (if labor organization, give full name, including local name and number) Smithfield Foods	
4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No.
	4c. Cell No. (b) (6), (b) (7)(C)
	4d. Fax No.
	4e. e-Mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By (b) (6), (b) (7)(C)	Tel. No.
(signature of representative of person making charge)	Office, if any, Cell No. (b) (6), (b) (7)(C)
Print Name and Title (b) (6), (b) (7)(C)	Fax No.
Address (b) (6), (b) (7)(C)	e-Mail (b) (6), (b) (7)(C)
Date: X 2-26-2020	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103



Download  
NLRB  
Mobile App

February 27, 2020

(b) (6), (b) (7)(C)

Re: Smithfield Foods  
Case 25-CA-257054

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on February 26, 2020 has been docketed as case number 25-CA-257054. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney TIFFANY LIMBACH whose telephone number is (317)991-7960. If this Board agent is not available, you may contact Supervisory Attorney MICHAEL T. BECK whose telephone number is (317)991-7638.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

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**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

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Very truly yours,

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is written in a cursive, flowing style with a large initial "P".

PATRICIA K. NACHAND  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103



Download  
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Mobile App

February 27, 2020

Matthew Zambran  
Smithfield Foods  
3271 N Distribution Way  
Greenfield, IN 46140

Re: Smithfield Foods  
Case 25-CA-257054

Dear Mr. Zambran:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney TIFFANY LIMBACH whose telephone number is (317)991-7960. If this Board agent is not available, you may contact Supervisory Attorney MICHAEL T. BECK whose telephone number is (317)991-7638.

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**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by March 12, 2020. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

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February 27, 2020

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is written in a cursive, flowing style.

PATRICIA K. NACHAND  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103

March 11, 2020

Christopher Lauderdale, ESQ.  
Jackson Lewis P.C.  
15 South Main Street, Suite 700  
Greenville, SC 29601

Re: Armour-Eckrich Meats, LLC d/b/a  
Smithfield Foods  
Case 25-CA-256500

Armour-Eckrich Meats, LLC d/b/a  
Smithfield Foods  
Case 25-CA-256792

Smithfield Foods  
Case 25-CA-257054

Dear Mr. Lauderdale:

This is to advise you that I have approved the withdrawal of the charges in the above cases.


Very truly yours,

A handwritten signature in black ink that reads "Patricia K. Nachand". The signature is written in a cursive, flowing style.

PATRICIA K. NACHAND  
Regional Director

cc: Matthew Zambran  
Armour-Eckrich Meats, LLC d/b/a  
Smithfield Foods  
3271 N Distribution Way  
Greenfield, IN 46140-6619

(b) (6), (b) (7)(C)



UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
25-CA-257383	3/2/20

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Smithfield Foods		b. Tel. No. (317)891-1888
		c. Cell No.
d. Address (street, city, state ZIP code) 3271 N Distribution Way Greenfield, IN 46140	e. Employer Representative Brandt Hinton General Manager	f. Fax No.
		g. e-Mail
		h. Dispute Location (City and State) Greenfield, IN
i. Type of Establishment (factory, nursing home, hotel) Factory/Distribution Center	j. Principal Product or Service Pork Products	k. Number of workers at dispute location 240

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On (b) (6), (b) (7)(C) 2020 the Employer discriminated against employee (b) (6), (b) (7)(C) by (b) (6), (b) (7)(C) issuing written discipline in order to discourage protected concerted activities and union activities or membership.

On (b) (6), (b) (7)(C) 2020 the Employer discriminated against employee (b) (6), (b) (7)(C) by suspending (b) (6), (b) (7)(C) indefinitely in order to discourage protected concerted activities and union activities or membership.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)	
4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge.

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

e-Mail

By: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) an individual

(signature) (b) (6), (b) (7)(C) of representative or (b) (6), (b) (7)(C) making charge (b) (6), (b) (7)(C) Print Name and Title

Address: (b) (6), (b) (7)(C)

Date:

3/2/20

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)

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UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103



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Mobile App

March 4, 2020

(b) (6), (b) (7)(C)

Re: Smithfield Foods  
Case 25-CA-257383

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on March 02, 2020 has been docketed as case number 25-CA-257383. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner ROBERT GLEASON whose telephone number is (317)991-7637. If this Board agent is not available, you may contact Supervisory Field Examiner ROGER CHASTAIN whose telephone number is (317)991-7639.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to

take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

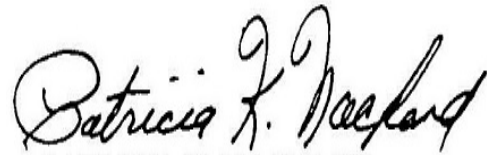
**Qualifying for Backpay:** We are just beginning to investigate your charge and no decision has been made regarding the merits of your case. However, it is important that employees who might be entitled to backpay because of loss of employment understand their obligation to look for work in order to qualify for backpay if your case has merit. Accordingly, we urge you to promptly provide the Board agent with the names and addresses of all employees who might be entitled to backpay as a result of the charge you filed.

If backpay is due to an employee, the Board requires that the employee offset the backpay by promptly beginning to look for another job in the same or similar line of work. The

Board has held that a reasonably diligent employee should begin searching for interim work within 2 weeks after the employee's termination or layoff or a refusal to hire the employee. If an employee cannot establish that he or she actively tried to mitigate his or her losses, the amount of money owed to the employee might be reduced.

Employees who might be owed backpay should keep careful records of when and where they have sought employment and of job search expenses such as mileage, parking, and copying resumes. Specifically, they should keep a record of each time they attempt to find work, including the date, name of the company, name of person with whom they spoke, the position sought, and the response received.

Very truly yours,

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is written in a cursive, flowing style with a large, prominent "P" and "N".

PATRICIA K. NACHAND  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
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Download  
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Mobile App

March 4, 2020

Brandt Hinton  
Smithfield Foods  
3271 N Distribution Way  
Greenfield, IN 46140

Re: Smithfield Foods  
Case 25-CA-257383

Dear Mr. Hinton:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by March 18, 2020. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is written in a cursive, flowing style.

PATRICIA K. NACHAND  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103

March 11, 2020

Brandt Hinton  
Smithfield Foods  
1108 Luke Street, Biggs Army Airfield  
Fort Bliss, TX 79918

Re: Smithfield Foods  
Case 25-CA-257383

Dear Mr. Hinton:

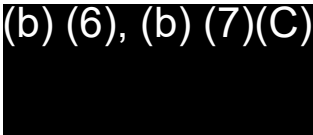
This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in cursive script, reading "Patricia K. Nachand".

PATRICIA K. NACHAND  
Regional Director

cc: (b) (6), (b) (7)(C)



NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

(b) (6), (b) (7)(C)

and  
Smithfield Foods, Inc.

CASE 25-CA-257383

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_  
Smithfield Foods, Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: D. Christopher Lauderdale

MAILING ADDRESS: Jackson Lewis P.C., 15 S. Main Street, Suite 700, Greenville, SC 29601

E-MAIL ADDRESS: christopher.lauderdale@jacksonlewis.com

OFFICE TELEPHONE NUMBER: (864) 232-7000

CELL PHONE NUMBER: \_\_\_\_\_ FAX: (864) 235-1381

SIGNATURE: \_\_\_\_\_  
(Please sign in ink.)

DATE: \_\_\_\_\_

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103

March 26, 2020

Brandt Hinton  
3271 N. Distribution Way,  
Greenfield, IN 46140

Re: Smithfield Foods  
Case 25-CA-257383

Dear Mr. Hinton:

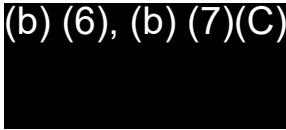
This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in black ink, reading "Patricia K. Nachand".

PATRICIA K. NACHAND  
Regional Director

cc: (b) (6), (b) (7)(C)




UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**DO NOT WRITE IN THIS SPACE**

Case <b>25-CA-258139</b>	Date Filed <b>3/16/20</b>
-----------------------------	------------------------------

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>	
a. Name of Employer <b>Smithfield Foods</b>	b. Tel. No. <b>(317) 891-1888</b>
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) <b>3271 N Distribution Way Greenfield, IN 46140</b>	e. Employer Representative <b>Brandt Hinton General Manager</b>
	g. e-Mail
	h. Number of workers employed <b>240</b>
i. Type of Establishment (factory, mine, wholesaler, etc.) <b>Factory/Distribution Center</b>	j. Identify principal product or service <b>Pork Products</b>
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) <b>(3)</b> of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) On or about <b>(b) (6), (b) (7)(C)</b> 2020, the Employer violated the Act by discharging <b>(b) (6), (b) (7)(C)</b> in response to <b>(b) (6)</b> protected concerted activity and union activities or membership.  On or about <b>(b) (6), (b) (7)(C)</b> 2020, the Employer violated the Act by issuing <b>(b) (6), (b) (7)(C)</b> a written discipline in response to <b>(b) (6)</b> protected concerted activity and union activities or membership.  On or about <b>(b) (6), (b) (7)(C)</b> 2020, the Employer violated the Act by discharging <b>(b) (6), (b) (7)(C)</b> in response to <b>(b) (6)</b> protected concerted activity and union activities or membership.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) <b>United Food and Commercial Workers Union Local 700</b>	
4a. Address (Street and number, city, state, and ZIP code) <b>3091 East 98th Street, Suite#150, Indianapolis, IN 46280</b>	4b. Tel. No. <b>(317) 814-3285</b>
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) <b>UFCW International, AFL-CIO, CLC</b>	
<b>6. DECLARATION</b> I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By <u></u> (signature of representative or person making charge)	<b>Joseph C. Torres</b> (Print/type name and title or office, if any)
Address <b>221 N. LaSalle Street, Suite 1550, Chicago, IL 60601</b>	
Date <b>3/16/2020</b> (date)	
Tel. No. <b>(312) 641-2910</b>	
Office, if any, Cell No.	
Fax No. <b>(312) 641-0781</b>	
e-Mail <b>joe@karmellawfirm.com</b>	

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

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Mobile App

March 18, 2020

Brandt Hinton  
Smithfield Foods  
3271 N Distribution Way  
Greenfield, IN 46140

Re: Smithfield Foods  
Case 25-CA-258139

Dear Mr. Hinton:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by April 1, 2020. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

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Very truly yours,

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is fluid and cursive, with the first name "Patricia" being more prominent and the last name "Nachand" following in a similar style.

PATRICIA K. NACHAND  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

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Download  
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Mobile App

March 18, 2020

United Food and Commercial Workers Local 700  
3091 E 98th Street  
Suite 150  
Indianapolis, IN 46280

Re: Smithfield Foods  
Case 25-CA-258139

Dear Sir or Madam:

The charge that you filed in this case on March 16, 2020 has been docketed as case number 25-CA-258139. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

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**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.


We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

**Qualifying for Backpay:** We are just beginning to investigate your charge and no decision has been made regarding the merits of your case. However, it is important that employees who might be entitled to backpay because of loss of employment understand their obligation to look for work in order to qualify for backpay if your case has merit. Accordingly, we urge you to promptly provide the Board agent with the names and addresses of all employees who might be entitled to backpay as a result of the charge you filed.

If backpay is due to an employee, the Board requires that the employee offset the backpay by promptly beginning to look for another job in the same or similar line of work. The Board has held that a reasonably diligent employee should begin searching for interim work within 2 weeks after the employee's termination or layoff or a refusal to hire the employee. If an employee cannot establish that he or she actively tried to mitigate his or her losses, the amount of money owed to the employee might be reduced.

Employees who might be owed backpay should keep careful records of when and where they have sought employment and of job search expenses such as mileage, parking, and copying resumes. Specifically, they should keep a record of each time they attempt to find work, including the date, name of the company, name of person with whom they spoke, the position sought, and the response received.

Very truly yours,

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is fluid and cursive, with the first name "Patricia" and last name "Nachand" clearly legible.

PATRICIA K. NACHAND  
Regional Director

cc: Joseph C. Torres, ESQ.  
The Karmel Law Firm  
221 North LaSalle Street, Suite 1550  
Chicago, IL 60601-1224

Copy of charge only sent to:

Lawrence G. Plumb, VP & Director  
Region 4  
United Food and Commercial Workers  
International Union (UFCW), AFL-CIO  
3940 Olympic Boulevard  
Suite 340  
Erlanger, KY 41018

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

UFCW, Local 700

and

Smithfield Foods, Inc.

CASE No. 25-CA-258139

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_  
Smithfield Foods, Inc.


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: D. Christopher Lauderdale, Esq.  
MAILING ADDRESS: Jackson Lewis P.C., 15 S. Main Street, Suite 700, Greenville, SC 29601  
E-MAIL ADDRESS: lauderdc@jacksonlewis.com  
OFFICE TELEPHONE NUMBER: (864) 232-7000  
CELL PHONE NUMBER: \_\_\_\_\_ FAX: (864) 235-1381  
SIGNATURE:   
(Please sign in ink.)  
DATE: March 27, 2020

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE

INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

## DO NOT WRITE IN THIS SPACE

Case

25-CA-260224

Date Filed

5/11/20

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Smithfield Foods

b. Tel. No. (317) 891-1888

c. Cell No.

f. Fax No.

d. Address (Street, city, state, and ZIP code)

3271 N Distribution Way  
Greenfield, IN 46140

e. Employer Representative

Brandt Hinton  
General Manager

g. e-Mail

Bhinton@smithfield.com

h. Number of workers employed  
240

i. Type of Establishment (factory, mine, wholesaler, etc.)

Factory/Distribution Center

j. Identify principal product or service

Pork Products

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about (b) (6), (b) (7)(C) 2020, Employer violated the Act when it discharged (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) protected concerted activity.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)  
United Food and Commercial Workers Union Local 700

4a. Address (Street and number, city, state, and ZIP code)

3091 East 98th Street, Suite#150, Indianapolis, IN 46280

4b. Tel. No. (317) 814-3285

4c. Cell No.

4d. Fax No.

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  
UFCW International, AFL-CIO, CLC

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By   
(signature of representative or person making charge)

Joseph C. Torres, Attorney

(Print/type name and title or office, if any)

Tel. No. (312) 641-2910

Office, if any, Cell No.

Fax No. (312) 641-0781

e-Mail

joe@karmellawfirm.com

Address 221 N. LaSalle Street, Suite 1550, Chicago, IL 60601

4/16/2020

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

UFCW Local 700
and
Smithfield Foods, Inc.

CASE No. 25-CA-260224

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_  
Smithfield Foods, Inc.


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: D. Christopher Lauderdale	
MAILING ADDRESS: Jackson Lewis P.C., 15 S. Main Street, Suite 700, Greenville, SC 29601	
E-MAIL ADDRESS: lauderdc@jacksonlewis.com	
OFFICE TELEPHONE NUMBER: (864) 232-7000	
CELL PHONE NUMBER:	FAX: (864) 235-1381
SIGNATURE: 	
(Please sign in ink.)	
DATE: May 12, 2020	

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103



Download  
NLRB  
Mobile App

May 12, 2020

UFCW Local 700  
3091 East 98th St Suite 150  
Indianapolis, IN 46280

Re: Smithfield Foods  
Case 25-CA-260224

Dear Sir or Madam:

The charge that you filed in this case on May 11, 2020 has been docketed as case number 25-CA-260224. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney RAIFAEL WILLIAMS whose telephone number is (317)991-7630. If this Board agent is not available, you may contact Regional Attorney JOANNE C. MAGES whose telephone number is (317)991-7645.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

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If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.


We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

**Qualifying for Backpay:** We are just beginning to investigate your charge and no decision has been made regarding the merits of your case. However, it is important that employees who might be entitled to backpay because of loss of employment understand their obligation to look for work in order to qualify for backpay if your case has merit. Accordingly, we urge you to promptly provide the Board agent with the names and addresses of all employees who might be entitled to backpay as a result of the charge you filed.

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Very truly yours,

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is written in a cursive, flowing style.

PATRICIA K. NACHAND  
Regional Director

cc: Joseph C. Torres, Attorney  
The Karmel Law Firm  
221 North LaSalle Street, Suite 1550  
Chicago, IL 60601



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103



Download  
NLRB  
Mobile App

May 12, 2020

Brandt Hinton  
Smithfield Foods  
3271 N Distribution Way  
Greenfield, IN 46140-6619

Re: Smithfield Foods  
Case 25-CA-260224

Dear Mr. Hinton:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney RAIFAEL WILLIAMS whose telephone number is (317)991-7630. If this Board agent is not available, you may contact Regional Attorney JOANNE C. MAGES whose telephone number is (317)991-7645.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by May 26, 2020. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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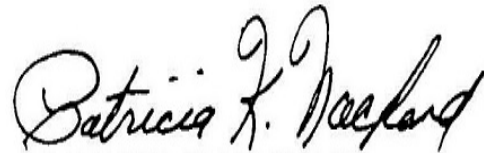
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If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is fluid and cursive, with the first name "Patricia" being more prominent.

PATRICIA K. NACHAND  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103

July 15, 2020

Joseph C. Torres, Attorney  
The Karmel Law Firm  
221 North LaSalle Street, Suite 1550  
Chicago, IL 60601

Re: Smithfield Foods  
Case 25-CA-260224

Dear Mr. Torres:

We have carefully investigated and considered your charge that Smithfield Foods has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that the Employer discharged an employee because he/she engaged in protected concerted activities in violation of Section 8(a)(1) of the Act. There is insufficient evidence demonstrating that the employee was engaged in protected concerted activities when the employee spoke to the supervisor regarding issues related to the COVID-19 pandemic and unloading a truck from a closed facility. Also, there is insufficient evidence to controvert that the Employer discharged the employee because of a refusal to stop using a cellphone to record a meeting with the Employer in violation of the Employers rule prohibiting such recordings. Thus, there is no linkage between the employee's discharge and any protected concerted activities.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlrb.gov](http://www.nlrb.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlrb.gov](http://www.nlrb.gov). If you require additional assistance with E-Filing, please contact [E-File@NLRB.gov](mailto:E-File@NLRB.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

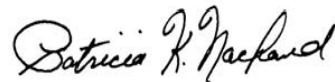
The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **July 29, 2020**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than July 28, 2020. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before July 29, 2020**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after July 29, 2020, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,



PATRICIA K. NACHAND  
Regional Director

Enclosure

cc: Brandt Hinton  
Smithfield Foods  
3271 N Distribution Way  
Greenfield, IN 46140-6619

Christopher Lauderdale, ESQ.  
Jackson Lewis P.C.  
15 South Main Street, Suite 700  
Greenville, SC 29601

UFCW Local 700  
3091 East 98th St Suite 150  
Indianapolis, IN 46280

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

---

Case Name(s).

---

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

---

*(Signature)*

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

**INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
25-CA-260565	5/19/20

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Smithfield Foods		b. Tel. No. (317)891-1888
		c. Cell No.
d. Address (street, city, state ZIP code) 3271 North Distribution Way, Greenfield, IN 46140	e. Employer Representative Valerie Berry HR Manager	f. Fax No.
		g. e-Mail vberry@smithfield.com
		h. Dispute Location (City and State) Greenfield, IN
i. Type of Establishment (factory, nursing home, hotel) Distribution Center	j. Principal Product or Service Pork Products	k. Number of workers at dispute location 300

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On (b) (6), (b) (7)(C) 2020 the Employer discriminated against employee, (b) (6), (b) (7)(C) by discharging (b) (6), (b) (7)(C) in order to discourage union activities or membership.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Office, if any, Cell No.

By (b) (6), (b) (7)(C)  
(signature of representative of person making charge)

Print Name and Title

Fax No.

Address (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Date: 5.19.2020

e-Mail

(b) (6), (b) (7)(C)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103



Download  
NLRB  
Mobile App

May 19, 2020

Valerie Berry  
Smithfield Foods  
3271 North Distribution Way  
Greenfield, IN 46140

Re: Smithfield Foods  
Case 25-CA-260565

Dear Ms. Berry:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney RAIFAEL WILLIAMS whose telephone number is (317)991-7630. If this Board agent is not available, you may contact Regional Attorney JOANNE C. MAGES whose telephone number is (317)991-7645.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by June 2, 2020. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlr.gov](http://www.nlr.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not

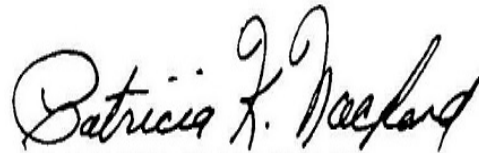
have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlrb.gov](http://www.nlrb.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is fluid and cursive, with the first name "Patricia" being the most prominent part.

PATRICIA K. NACHAND  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103



Download  
NLRB  
Mobile App

May 19, 2020

(b) (6), (b) (7)(C)

Re: Smithfield Foods  
Case 25-CA-260565

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on May 19, 2020 has been docketed as case number 25-CA-260565. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney RAIFAEL WILLIAMS whose telephone number is (317)991-7630. If this Board agent is not available, you may contact Regional Attorney JOANNE C. MAGES whose telephone number is (317)991-7645.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to

take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.


**Qualifying for Backpay:** We are just beginning to investigate your charge and no decision has been made regarding the merits of your case. However, it is important that employees who might be entitled to backpay because of loss of employment understand their obligation to look for work in order to qualify for backpay if your case has merit. Accordingly,

we urge you to promptly provide the Board agent with the names and addresses of all employees who might be entitled to backpay as a result of the charge you filed.

If backpay is due to an employee, the Board requires that the employee offset the backpay by promptly beginning to look for another job in the same or similar line of work. The Board has held that a reasonably diligent employee should begin searching for interim work within 2 weeks after the employee's termination or layoff or a refusal to hire the employee. If an employee cannot establish that he or she actively tried to mitigate his or her losses, the amount of money owed to the employee might be reduced.

Employees who might be owed backpay should keep careful records of when and where they have sought employment and of job search expenses such as mileage, parking, and copying resumes. Specifically, they should keep a record of each time they attempt to find work, including the date, name of the company, name of person with whom they spoke, the position sought, and the response received.

Very truly yours,

A handwritten signature in black ink, reading "Patricia K. Nachand". The signature is written in a cursive, flowing style with a large initial "P".

PATRICIA K. NACHAND  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 25  
575 N Pennsylvania St Ste 238  
Indianapolis, IN 46204-1520

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (317)226-7381  
Fax: (317)226-5103

July 14, 2020

(b) (6), (b) (7)(C)

Re: Smithfield Foods  
Case 25-CA-260565

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that Smithfield Foods has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlrb.gov](http://www.nlrb.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlrb.gov](http://www.nlrb.gov). If you require additional assistance with E-Filing, please contact [E-File@NLRB.gov](mailto:E-File@NLRB.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

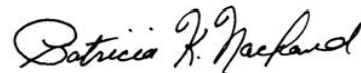
The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **July 28, 2020**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than July 27, 2020. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before July 28, 2020**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlrb.gov](http://www.nlrb.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after July 28, 2020, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,



PATRICIA K. NACHAND  
Regional Director

Enclosure

cc: Valerie Berry  
Smithfield Foods  
3271 North Distribution Way  
Greenfield, IN 46140

D. Christopher Lauderdale, ESQ.  
Jackson Lewis P.C.  
15 S Main Street, Suite 700  
Greenville, SC 29601-2793

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

---

Case Name(s).

---

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

---

*(Signature)*

DO NOT WRITE IN THIS SPACE

Case 27-CA-257540	Date Filed 3/5/2020
----------------------	------------------------

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Cargill Meat Solutions		b. Tel. No. (970) 867-1673
d. Address (Street, City, State and ZIP Code) 15015 E. Burlington Ave. Fort Morgan, CO 80701		c. Cell No. (847) 400-7797
e. Employer Representative Mark Fehr Senior Employee Relations Specialist Global Human Resource Solutions		f. Fax No. unknown
		g. e-Mail Mark_Fehr@cargill.com
		h. Number of workers employed 1800
i. Type of Establishment (factory, mine, wholesaler, etc.) Meat Processing Plant		j. Identify principal product or service Processing of meat products
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act., or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the last (6) months, the above-mentioned Employer has interfered with, restrained and coerced employees in the exercise of their Section 7 rights and has discriminated with respect to hire, tenure and other conditions of employment because of his/her engaging in union and concerted protected activities and/or to discourage membership in a labor organization including but not limited to:

On or about (b) (6), (b) (7)(C) 2020, the above-mentioned Employer, through its officers, agents and supervisors, issued unwarranted discipline to (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) filing grievances against the Employer.

By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Teamsters Local 455

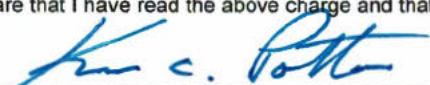
4a. Address (Street and number, city, state, and ZIP code) 1025 Burlington Ave. Fort Morgan, CO 80701	4b. Tel. No. (970) 867-7311
	4c. Cell No. (303) 808-6347
	4d. Fax No. (970) 542-9596
	4e. e-Mail kpotter@teamsterslocal455.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

International Brotherhood of Teamsters

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By   
(signature of representative or person making charge)

Kevin Potter, Business Agent  
(Print/type name and title or office, if any)

Address same as above

3-5-2020  
(date)

Tel. No. (970) 867-7311
Office, if any, Cell No. (303) 808-6347
Fax No. (970) 542-9596
e-Mail kpotter@teamsterslocal455.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRB), 29 U.S.C. §151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 27  
Byron Rogers Federal Office Building  
1961 Stout Street, Suite 13-103  
Denver, CO 80294

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (303)844-3551  
Fax: (303)844-6249



Download  
NLRB  
Mobile App

March 6, 2020

Mark Fehr, Senior Employee Relations Specialist  
Global Human Resource Solutions  
Cargill Meat Solutions  
15015 E. Burlington Ave.  
Fort Morgan, CO 80701

Re: Cargill Meat Solutions  
Case 27-CA-257540

Dear Mr. Fehr:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney JOSE R. ROJAS whose telephone number is (720)598-7415. If this Board agent is not available, you may contact Regional Attorney LETICIA PENA whose telephone number is (720)598-7412.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site ([www.nlr.gov](http://www.nlr.gov)). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions

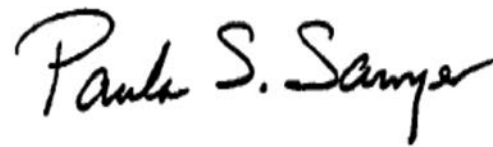
about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Paula S. Sawyer". The signature is written in a cursive, flowing style.

PAULA S. SAWYER  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 27  
Byron Rogers Federal Office Building  
1961 Stout Street, Suite 13-103  
Denver, CO 80294

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (303)844-3551  
Fax: (303)844-6249



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March 6, 2020

Kevin Potter, Business Agent  
International Brotherhood of Teamsters Local 455  
1025 Burlington Ave.  
Fort Morgan, CO 80701

Re: Cargill Meat Solutions  
Case 27-CA-257540

Dear Mr. Potter:

The charge that you filed in this case on March 05, 2020 has been docketed as case number 27-CA-257540. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney JOSE R. ROJAS whose telephone number is (720)598-7415. If this Board agent is not available, you may contact Regional Attorney LETICIA PENA whose telephone number is (720)598-7412.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

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**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

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messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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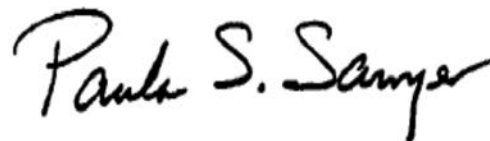
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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Paula S. Sawyer". The signature is written in a cursive, flowing style.

PAULA S. SAWYER  
Regional Director

**From:** [Zeb Curtin](#)  
**To:** [Rojas, Jose](#)  
**Subject:** FW: NLRB Cases 27-CA-257855 and 27-CA-257540 Cargill Meat Solutions Corp.  
**Date:** Friday, March 27, 2020 11:10:09 AM  
**Attachments:** [27-CA-257855.Signed Charge Against Employer.pdf](#)  
[CHG.27-CA-257540.Signed Charge Against Employer \(1\).pdf](#)

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Mr. Rojas: Hello. I am an attorney with Cargill, and will be representing the Company in these ULP charges. Mark Fehr forwarded me your message below. I tried to call your phone number below, but it said calls cannot be accepted at this time. Please let me know when would be a good time to connect. Thanks!

Zeb

*Zeb Curtin*  
*Lawyer*  
*Law Department*  
**Cargill**

*direct: 952-742-6979 | fax: 952-742-5851*  
*15407 McGinty Rd. W. | MS 9 | Wayzata, MN 55391 USA*  
[Zeb\\_curtin@cargill.com](mailto:Zeb_curtin@cargill.com)

Confidentiality Note: This message is intended only for the named recipient and may contain confidential, proprietary or legally privileged information. Unauthorized individuals or entities are not permitted access to this information. Any dissemination, distribution, or copying of this information is strictly prohibited. If you have received this message in error, please advise the sender by reply e-mail, and delete this message and any attachments. Thank you.

---

**From:** Rojas, Jose <[Jose.Rojas@nrlb.gov](mailto:Jose.Rojas@nrlb.gov)>  
**Sent:** Wednesday, March 25, 2020 4:02 PM  
**To:** Mark Fehr <[Mark\\_Fehr@cargill.com](mailto:Mark_Fehr@cargill.com)>  
**Subject:** NLRB Cases 27-CA-257855 and 27-CA-257540 Cargill Meat Solutions Corp.

**[EXTERNAL]** This email came from outside of Cargill. Do not click links or open attachments unless you recognize the sender. If you suspect this is spam, send this email as an attachment to [spam@cargill.com](mailto:spam@cargill.com)

Good afternoon, Mr. Fehr:

I am a Board Agent with the National Labor Relations Board (NLRB). I have been assigned to

investigate two, unrelated unfair labor practice charges filed by the Teamsters Local Union No. 455 (Union) against Cargill Meat Solutions Corp. (Cargill). (See attached charges). The charges name you as the company representative to contact; hence this email. The NLRB's regional office docketed the charges and mailed a copy of the charges and docket letters to you at the address listed on the face of the charges. In any event, I am reaching out to you because I'd like to discuss the Union's allegations against Cargill, in addition to the presentation of Cargill's response and evidence. Please give me a call at (720) 598-7415 to discuss this further. Additionally, I left a voice mail message at the cell phone number listed on one of the charges. I look forward to your call.

Regards,

José R. Rojas  
Field Attorney  
(he/him/his)

National Labor Relations Board - Region 27 Denver  
Byron Rogers Federal Office Building  
1961 Stout Street, Suite 13-103  
Denver, CO 80294  
O: (720) 598-7415  
C: (202) 285-2773  
F: (303) 844-6249

## **The NLRB has converted to an electronic file system**

**Please file all documents electronically through our online E-File system:**

**E-File Case Documents:** <https://apps.nlr.gov/eservice/efileterm.aspx>

**E-File New Charge or Petition:** <https://apps.nlr.gov/eservice/efileterm.aspx?app=chargeandpetition>

**E-File a FOIA request with the NLRB**

DO NOT WRITE IN THIS SPACE

Case 27-CA-257540	Date Filed 3/5/2020
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INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Cargill Meat Solutions		b. Tel. No. (970) 867-1673
		c. Cell No. (847) 400-7797
d. Address (Street, City, State and ZIP Code) 15015 E. Burlington Ave. Fort Morgan, CO 80701	e. Employer Representative Mark Fehr Senior Employee Relations Specialist Global Human Resource Solutions	f. Fax No. unknown
		g. e-Mail Mark_Fehr@cargill.com
		h. Number of workers employed 1800
i. Type of Establishment (factory, mine, wholesaler, etc.) Meat Processing Plant		j. Identify principal product or service Processing of meat products
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act., or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the last (6) months, the above-mentioned Employer has interfered with, restrained and coerced employees in the exercise of their Section 7 rights and has discriminated with respect to hire, tenure and other conditions of employment because of his/her engaging in union and concerted protected activities and/or to discourage membership in a labor organization including but not limited to:

On or about (b) (6), (b) (7)(C) 2020, the above-mentioned Employer, through its officers, agents and supervisors, issued unwarranted discipline to (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) filing grievances against the Employer.

By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Teamsters Local 455

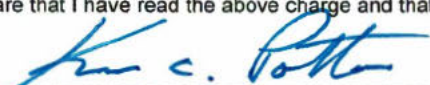
4a. Address (Street and number, city, state, and ZIP code) 1025 Burlington Ave. Fort Morgan, CO 80701	4b. Tel. No. (970) 867-7311
	4c. Cell No. (303) 808-6347
	4d. Fax No. (970) 542-9596
	4e. e-Mail kpotter@teamsterslocal455.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

International Brotherhood of Teamsters

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By   
(signature of representative or person making charge)

Kevin Potter, Business Agent  
(Print/type name and title or office, if any)

Address same as above

3-5-2020  
(date)

Tel. No. (970) 867-7311
Office, if any, Cell No. (303) 808-6347
Fax No. (970) 542-9596
e-Mail kpotter@teamsterslocal455.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRB), 29 U.S.C. §151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 27  
Byron Rogers Federal Office Building  
1961 Stout Street, Suite 13-103  
Denver, CO 80294

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (303)844-3551  
Fax: (303)844-6249

April 2, 2020

Zeb Curtin, Esq.  
Cargill Meat Solutions Corporation  
Law Department  
15407 McGinty Rd. W. - MS 9  
Wayzata, MN 55391  
[zeb\\_curtin@cargill.com](mailto:zeb_curtin@cargill.com)

Re: Cargill Meat Solutions  
Case 27-CA-257540

Dear Mr. Curtin:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

PAULA S. SAWYER  
Regional Director

cc: Mark Fehr, Senior Employee Relations Specialist  
Global Human Resource Solutions  
Cargill Meat Solutions Corporation  
15015 E. Burlington Ave.  
Fort Morgan, CO 80701  
[mark\\_fehr@cargill.com](mailto:mark_fehr@cargill.com)

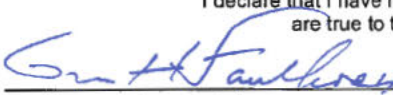
Kevin Potter, Business Agent  
International Brotherhood of Teamsters Local 455  
1025 Burlington Ave.  
Fort Morgan, CO 80701  
[kpotter@teamsterslocal455.org](mailto:kpotter@teamsterslocal455.org)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case <b>27-CA-257885</b>	Date Filed <b>3/11/2020</b>

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Cargill Meat Solutions Corporation	b. Tel. No. (970) 867-1673
	c. Cell No.
	f. Fax No. (970) 867-1601
d. Address (Street, city, state, and ZIP code) 1505 E. Burlington Ave. Fort Morgan, CO 80701	e. Employer Representative Mark Fehr, Senior Employee Relations Specialist
	g. e-mail Mark_Fehr@cargill.com
	h. Number of workers employed Approximately 1,800
i. Type of Establishment (factory, mine, wholesaler, etc.) Meat processing facility	j. Identify principal product or service Beef
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Respondent Cargill Meat Solutions Corporation ("Cargill") unilaterally removed bargaining unit classifications as provided for in the parties' collective-bargaining agreement, effective Feb. 27, 2016 to Feb. 28, 2021 ("CBA"). Cargill recognizes Charging Party Teamsters Local Union No. 455 ("Union") as the sole and exclusive bargaining agent for all production and maintenance employees at its Fort Morgan location, as identified in classifications under the CBA. The Union became aware no later than within the past six months that Cargill, through its officers, agents, and representatives, removed five or more unit employees in classifications covered by the CBA, and had them continue to perform the same work as non-unit employees.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Teamsters Local Union No. 455	
4a. Address (Street and number, city, state, and ZIP code) 10 Lakeside Lane, Suite 3A Denver, CO 80212	4b. Tel. No. (303) 458-1600
	4c. Cell No.
	4d. Fax No. (303) 480-1015
	4e. e-mail kpotter@teamsterslocal455.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) International Brotherhood of Teamsters	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (signature of representative or person making charge) George H. Faulkner, Attorney (Print/type name and title or office, if any)	
20445 Emerald Pkwy., Suite 210, Cleveland, OH 44135 Address	
March 11, 2020 Date	
Tel. No. (216) 781-3600	
Office, if any, Cell No.	
Fax No. (216) 781-8839	
e-mail faulkner@fhplaw.com	

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March 12, 2020

Mark Fehr, Senior Employee Relations  
Specialist Global Human Resource Solutions  
Cargill Meat Solutions Corporation  
15015 E. Burlington Ave.  
Fort Morgan, CO 80701

Re: Cargill Meat Solutions Corporation  
Case 27-CA-257885

Dear Mr. Fehr:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney JOSE R. ROJAS whose telephone number is (720)598-7415. If this Board agent is not available, you may contact Regional Attorney LETICIA PENA whose telephone number is (720)598-7412.

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**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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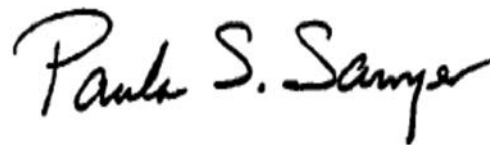
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Very truly yours,

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PAULA S. SAWYER  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 27  
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Fax: (303)844-6249



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March 12, 2020

International Brotherhood of Teamsters Local Union No. 455  
10 Lakeside Lane, Suite 3A  
Denver, CO 80212-7430

Re: Cargill Meat Solutions Corporation  
Case 27-CA-257885

Dear Sir or Madam:

The charge that you filed in this case on March 11, 2020 has been docketed as case number 27-CA-257885. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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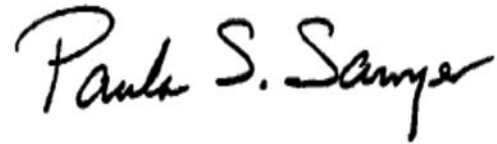
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Very truly yours,

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PAULA S. SAWYER  
Regional Director

cc: George H. Faulkner, Esq.  
Faulkner, Hoffman & Phillips, LLC  
20445 Emerald Parkway Suite 210  
Cleveland, OH 44135-6029

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Cargill Meat Solutions Corporatoin
and
Teamsters Local Union No. 455

CASE 27-CA-257885

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_

Teamsters Local Union No. 455

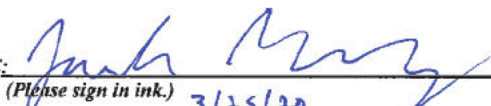
IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Jonah D. Grabelsky	
MAILING ADDRESS: Faulkner, Hoffman & Phillips, LLC, 20445 Emerald Parkway Drive, Suite 210, Cleveland, Ohio 44135-6029	
E-MAIL ADDRESS: grabelsky@fhplaw.com	
OFFICE TELEPHONE NUMBER: (216) 781-3600	
CELL PHONE NUMBER:	FAX: (216) 781-8839
SIGNATURE: 	
DATE: (Please sign in ink.) 3/25/20	

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

**From:** [Zeb Curtin](#)  
**To:** [Rojas, Jose](#)  
**Subject:** FW: NLRB Cases 27-CA-257855 and 27-CA-257540 Cargill Meat Solutions Corp.  
**Date:** Friday, March 27, 2020 11:10:09 AM  
**Attachments:** [27-CA-257855.Signed Charge Against Employer.pdf](#)  
[CHG.27-CA-257540.Signed Charge Against Employer \(1\).pdf](#)

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Mr. Rojas: Hello. I am an attorney with Cargill, and will be representing the Company in these ULP charges. Mark Fehr forwarded me your message below. I tried to call your phone number below, but it said calls cannot be accepted at this time. Please let me know when would be a good time to connect. Thanks!

Zeb

*Zeb Curtin*  
*Lawyer*  
*Law Department*  
**Cargill**

*direct: 952-742-6979 | fax: 952-742-5851*  
*15407 McGinty Rd. W. | MS 9 | Wayzata, MN 55391 USA*  
[Zeb\\_curtin@cargill.com](mailto:Zeb_curtin@cargill.com)

Confidentiality Note: This message is intended only for the named recipient and may contain confidential, proprietary or legally privileged information. Unauthorized individuals or entities are not permitted access to this information. Any dissemination, distribution, or copying of this information is strictly prohibited. If you have received this message in error, please advise the sender by reply e-mail, and delete this message and any attachments. Thank you.

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**From:** Rojas, Jose <[Jose.Rojas@nlrb.gov](mailto:Jose.Rojas@nlrb.gov)>  
**Sent:** Wednesday, March 25, 2020 4:02 PM  
**To:** Mark Fehr <[Mark\\_Fehr@cargill.com](mailto:Mark_Fehr@cargill.com)>  
**Subject:** NLRB Cases 27-CA-257855 and 27-CA-257540 Cargill Meat Solutions Corp.

**[EXTERNAL]** This email came from outside of Cargill. Do not click links or open attachments unless you recognize the sender. If you suspect this is spam, send this email as an attachment to [spam@cargill.com](mailto:spam@cargill.com)

Good afternoon, Mr. Fehr:

I am a Board Agent with the National Labor Relations Board (NLRB). I have been assigned to

investigate two, unrelated unfair labor practice charges filed by the Teamsters Local Union No. 455 (Union) against Cargill Meat Solutions Corp. (Cargill). (See attached charges). The charges name you as the company representative to contact; hence this email. The NLRB's regional office docketed the charges and mailed a copy of the charges and docket letters to you at the address listed on the face of the charges. In any event, I am reaching out to you because I'd like to discuss the Union's allegations against Cargill, in addition to the presentation of Cargill's response and evidence. Please give me a call at (720) 598-7415 to discuss this further. Additionally, I left a voice mail message at the cell phone number listed on one of the charges. I look forward to your call.

Regards,

José R. Rojas  
Field Attorney  
(he/him/his)

National Labor Relations Board - Region 27 Denver  
Byron Rogers Federal Office Building  
1961 Stout Street, Suite 13-103  
Denver, CO 80294  
O: (720) 598-7415  
C: (202) 285-2773  
F: (303) 844-6249

## **The NLRB has converted to an electronic file system**

**Please file all documents electronically through our online E-File system:**

**E-File Case Documents:** <https://apps.nlr.gov/eservice/efileterm.aspx>

**E-File New Charge or Petition:** <https://apps.nlr.gov/eservice/efileterm.aspx?app=chargeandpetition>

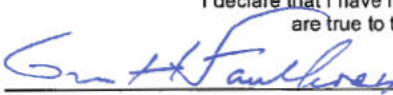
**E-File a FOIA request with the NLRB**

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case <b>27-CA-257885</b>	Date Filed <b>3/11/2020</b>

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Cargill Meat Solutions Corporation	b. Tel. No. (970) 867-1673
	c. Cell No.
	f. Fax No. (970) 867-1601
d. Address (Street, city, state, and ZIP code) 1505 E. Burlington Ave. Fort Morgan, CO 80701	e. Employer Representative Mark Fehr, Senior Employee Relations Specialist
	g. e-mail Mark_Fehr@cargill.com
	h. Number of workers employed Approximately 1,800
i. Type of Establishment (factory, mine, wholesaler, etc.) Meat processing facility	j. Identify principal product or service Beef
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Respondent Cargill Meat Solutions Corporation ("Cargill") unilaterally removed bargaining unit classifications as provided for in the parties' collective-bargaining agreement, effective Feb. 27, 2016 to Feb. 28, 2021 ("CBA"). Cargill recognizes Charging Party Teamsters Local Union No. 455 ("Union") as the sole and exclusive bargaining agent for all production and maintenance employees at its Fort Morgan location, as identified in classifications under the CBA. The Union became aware no later than within the past six months that Cargill, through its officers, agents, and representatives, removed five or more unit employees in classifications covered by the CBA, and had them continue to perform the same work as non-unit employees.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Teamsters Local Union No. 455	
4a. Address (Street and number, city, state, and ZIP code) 10 Lakeside Lane, Suite 3A Denver, CO 80212	4b. Tel. No. (303) 458-1600
	4c. Cell No.
	4d. Fax No. (303) 480-1015
	4e. e-mail kpotter@teamsterslocal455.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) International Brotherhood of Teamsters	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (signature of representative or person making charge) George H. Faulkner, Attorney (Print/type name and title or office, if any)	
Tel. No. (216) 781-3600	
Office, if any, Cell No.	
Fax No. (216) 781-8839	
e-mail faulkner@fhplaw.com	
Address 20445 Emerald Pkwy., Suite 210, Cleveland, OH 44135 Date March 11, 2020	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

DO NOT WRITE IN THIS SPACE

Case 27-CA-257540	Date Filed 3/5/2020
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INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Cargill Meat Solutions		b. Tel. No. (970) 867-1673
		c. Cell No. (847) 400-7797
d. Address (Street, City, State and ZIP Code) 15015 E. Burlington Ave. Fort Morgan, CO 80701	e. Employer Representative Mark Fehr Senior Employee Relations Specialist Global Human Resource Solutions	f. Fax No. unknown
		g. e-Mail Mark_Fehr@cargill.com
		h. Number of workers employed 1800
i. Type of Establishment (factory, mine, wholesaler, etc.) Meat Processing Plant		j. Identify principal product or service Processing of meat products
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act., or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the last (6) months, the above-mentioned Employer has interfered with, restrained and coerced employees in the exercise of their Section 7 rights and has discriminated with respect to hire, tenure and other conditions of employment because of his/her engaging in union and concerted protected activities and/or to discourage membership in a labor organization including but not limited to:

On or about (b) (6), (b) (7)(C) 2020, the above-mentioned Employer, through its officers, agents and supervisors, issued unwarranted discipline to (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) filing grievances against the Employer.

By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Teamsters Local 455

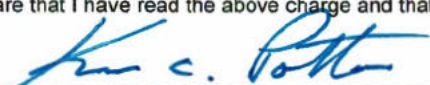
4a. Address (Street and number, city, state, and ZIP code) 1025 Burlington Ave. Fort Morgan, CO 80701	4b. Tel. No. (970) 867-7311
	4c. Cell No. (303) 808-6347
	4d. Fax No. (970) 542-9596
	4e. e-Mail kpotter@teamsterslocal455.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

International Brotherhood of Teamsters

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By   
(signature of representative or person making charge)

Kevin Potter, Business Agent  
(Print/type name and title or office, if any)

Address same as above

3-5-2020  
(date)

Tel. No. (970) 867-7311
Office, if any, Cell No. (303) 808-6347
Fax No. (970) 542-9596
e-Mail kpotter@teamsterslocal455.org

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UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 27  
Byron Rogers Federal Office Building  
1961 Stout Street, Suite 13-103  
Denver, CO 80294

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (303)844-3551  
Fax: (303)844-6249

April 27, 2020

Zeb Curtin, Esq.  
Cargill Meat Solutions Corporation  
Law Department  
15407 McGinty Rd. W. - MS 9  
Wayzata, MN 55391  
[zeb\\_curtin@cargill.com](mailto:zeb_curtin@cargill.com)

George H. Faulkner, Esq.  
Jonah D. Grabelsky, Esq.  
Faulkner, Hoffman & Phillips, LLC  
20445 Emerald Parkway Suite 210  
Cleveland, OH 44135-6029  
[aulkner@fhplaw.com](mailto:aulkner@fhplaw.com)  
[grabelsky@fhplaw.com](mailto:grabelsky@fhplaw.com)

Re: Cargill Meat Solutions Corporation  
Case 27-CA-257885

Dear Parties:

The Region has carefully considered the charge alleging that Cargill Meat Solutions Corporation (Employer) violated the National Labor Relations Act (Act). As explained below, I have decided that further proceedings on the charge should be handled in accordance with the deferral policy of the National Labor Relations Board as set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This letter explains that deferral policy, the reasons for my decision to defer further processing of the charge, and the Charging Party's right to appeal my decision.

**Deferral Policy:** The Board's deferral policy provides that the Board will postpone making a final determination on a charge when a grievance involving the same issue can be processed under the grievance/arbitration provision of the applicable contract. This policy is partially based on the preference that the parties use their contractual grievance procedure to achieve a prompt, fair, and effective settlement of their disputes. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Board's Regional Office will defer the charge.

**Decision to Defer:** Based on our investigation, I am deferring further proceedings on the charge in this matter to the grievance/arbitration process for the following reasons:

1. The Employer and International Brotherhood of Teamsters Local Union No. 455 (Union) have a collective-bargaining agreement currently in effect that provides for arbitration.

2. The allegation that the Employer has unilaterally removed bargaining unit work (cardboard compact operator work) and transferred it into non-unit positions, as alleged in the charge, is encompassed by the terms of the collective-bargaining agreement.

3. The Employer is willing to process a grievance concerning the issues in the charge and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.

4. Since the issues in the charge appear to be covered by provisions of the collective-bargaining agreement, it is likely that the issues may be resolved through the grievance/arbitration procedure.

**Further Processing of the Charge:** As explained below, while the charge is deferred, the Regional office will monitor the processing of the grievance and, under certain circumstances, will resume processing of the charge.

*Charging Party's Obligation:* Under the Board's *Collyer* deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly submit the grievance to the grievance/arbitration process or declines to have the grievance arbitrated if it is not resolved, I may dismiss the charge.

*Charged Party's Conduct:* If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed, or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

*Monitoring the Dispute:* Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and if continued deferral is appropriate. However, at any time, a party may present evidence and request dismissal of the charge, continued deferral of the charge, or issuance of a complaint.

*Notice to Arbitrator Form:* If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the arbitrator sends the award to the parties.

*Review of Arbitrator's Award or Settlement:* If the grievance is arbitrated or settled, the Charging Party may ask the Board to review the arbitrator's award or settlement. The request must be in writing and addressed to me. If the request concerns

an arbitrator's award, the request should analyze whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is consistent with the Act. Further guidance on this review is provided in *Spielberg Manufacturing Company*, 112 NLRB 1080 (1955) and *Olin Corp.*, 268 NLRB 573 (1984). If the request concerns a grievance settlement, see *Alpha Beta*, 273 NLRB 1546 (1985). These Board decisions are available on our website, [www.nlr.gov](http://www.nlr.gov).

*Change in Standards if Parties Agree to Submit Statutory Issue to Arbitrator:* If during the processing of the grievance the parties agree to authorize the arbitrator to decide the statutory issue, please advise me in writing.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at [www.nlr.gov](http://www.nlr.gov). See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at [www.nlr.gov](http://www.nlr.gov). If you require additional assistance with E-Filing, please contact [E-File@NLRB.gov](mailto:E-File@NLRB.gov)).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

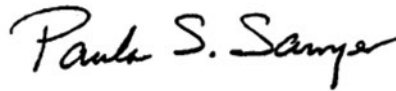
**Appeal Due Date:** The appeal is due on **May 11, 2020**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than May 10, 2020. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before May 11, 2020**. The request may be filed electronically through the **E-File Documents** link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any

request for an extension of time to file an appeal received after May 11, 2020, **even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

A handwritten signature in black ink that reads "Paula S. Sawyer". The signature is written in a cursive, flowing style.

PAULA S. SAWYER  
Regional Director

Enclosures

cc: Mark Fehr, Senior Employee Relations  
Specialist Global Human Resource  
Solutions  
Cargill Meat Solutions Corporation  
15015 E. Burlington Ave.  
Fort Morgan, CO 80701  
[mark\\_fehr@cargill.com](mailto:mark_fehr@cargill.com)  
International Brotherhood of Teamsters  
Local Union No. 455  
10 Lakeside Lane, Suite 3A  
Denver, CO 80212-7430